



# AGENDA REPORT

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

**FROM:** Jeffrey Tumlin  
Interim Director, DOT

**SUBJECT:** Peralta Street Streetscape Project

**DATE:** August, 30, 2016

City Administrator Approval

Date:

*9/29/16*

## RECOMMENDATION

**Staff Recommends That The City Council Adopt:**

**A Resolution Awarding A Construction Contract To McGuire & Hester, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Construction of Peralta Street Streetscape Project (Project No. 414250) In The Amount Of Three Million Seven Hundred Twenty Three Thousand Dollars (\$3,723,000.00).**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute a construction contract with McGuire & Hester in the amount of \$3,723,000.00 which includes the construction contract (\$3,671,700.00) and the City required insurance (\$51,300.00) for the construction of the Peralta Streetscape project. The project is funded under Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) program, Measure B, Local Match for Federal Funds program, Measure B, Bike program and Measure B the City Resurfacing Program. The work for this project is located in Council District 3 as shown in **(Attachment A)**.

## BACKGROUND / LEGISLATIVE HISTORY

On May 21, 2013, the City Council authorized the City Administrator to apply for \$3,098,415.00 in Metropolitan Transportation Commission (MTC) CMAQ program funds for the Peralta Streetscape project. In addition to the grant funding, \$401,433.00 of Measure B, Fund 2116, grant matching funds was authorized by City Council for the project. The City was awarded the grant for the 2015-2016 fiscal year.

The Peralta Streetscape project area extends from 7<sup>th</sup> Street to 36<sup>th</sup> Street. As part of the project new bike lanes and resurfacing will extend the entire length of the project, with the exception of the roadway between West Grand Avenue and 32<sup>nd</sup> Street. This particular segment was repaved in 2014. Sidewalk, curb and gutter, pedestrian lights, trees with associated irrigation and drainage systems, and traffic signal upgrades, will be made within two areas: from 7<sup>th</sup> to 10<sup>th</sup> Street, and from Hollis to Haven Street.

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October 11, 2016

During the course of project development it was determined that additional resurfacing work was needed within the project area beyond what the original grant funds covered to ensure that the proposed bike lanes would be safe for users. As such, additional funds were identified from the City Resurfacing Program, and the City Bike Program to fulfill this need.

### **ANALYSIS AND POLICY ALTERNATIVES**

Peralta Streetscape Project is federally funded project and is therefore subject to the Federal Disadvantage Business Enterprise (DBE) program. The DBE goal for the project is set at 16.0%. The Engineer's Estimate for the construction cost is \$3,212,639.00.

The City advertised the project in July 2016 and received four bids in the amounts of \$3,671,700.00, \$3,774,973.20, \$3,791,059.00 and \$3,849,122.00. McGuire & Hester (M&H) was the lowest bidder. Staff has reviewed the submitted bid and has determined that the bids are reasonable for the current construction market conditions, and reflect a recent regional increase in construction costs.

When projects are advertised, the City requires the bidders to provide the City with the cost of commercial liability, worker's compensation and excess liability insurance to the bidder through their own insurers as Bid Alternates. When awarding the contract, the City compares the cost of Contractor's insurance with the City Owner Controlled Insurance Program (OCIP). If the Contractor's own insurance is lower in cost than the OCIP, the Contractor is allowed to use his own insurance for the project. In M&H bid, the insurance provided through their own insurer is lower in cost than the City OCIP, therefore the Contractor's insurance will be used.

McGuire & Hester is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The M&H bid has 21.67% DBE participation which exceeds the 16% calculated by Contracts and Compliance Division of the City Administrator's Office. Although not required, M&H also has 63.9% Local Business Enterprise (LBE) participation. The DBE and LBE information has been verified by Contracts and Compliance Division and are shown in **(Attachment C)**.

Construction is scheduled to begin in January, 2017 and should be completed by December, 2017. The contract specifies \$2,200.00 in liquidated damages per calendar day if the contract is not completed within 200 working days. The project schedule is shown in **(Attachment B)**.

**FISCAL IMPACT**

A breakdown of the appropriated project funding that covers the \$3,671,700.00 construction contract and \$51,300.00 Contractor paid insurance required by the City for a total of \$3,723,000.00 is as follows:

| <b>FUNDING SOURCE</b>  | <b>AMOUNT</b>         |
|--|-----------------------|
| Federal Highway Administration (FHWA) - Congestion Mitigation and Air Quality Improvement (CMAQ) Fund; Department of Transportation Fund (2116); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414250 | \$2,694,274.00        |
| Measure B Local Match for Federal Fund Project Fund (2211); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414260  | \$381,097.00          |
| Measure BB The City Bike Program Fund (2216); Organization (92260); Construction Account (57411); Project C491220; Program IN17  | \$67,644.00           |
| Measure BB The City Resurfacing Program Fund (2216); Organization (92242); Construction Account (57411); Project C491141; Program IN05   | \$579,985.00          |
| <b>TOTAL</b>   | <b>\$3,723,000.00</b> |

**PUBLIC OUTREACH / INTEREST**

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

**COORDINATION**

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

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

The Contractor Performance Evaluation for M&H from a previously completed project is satisfactory and is included as (***Attachment D***).

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Public Works Committee  
October 11, 2016

**SUSTAINABLE OPPORTUNITIES**

**Economic:** As part of the federal fund requirement, the contractors are all verified to meet the 16% Disadvantaged Business Enterprise (DBE) obligation. In addition to the DBE requirement, M&H's bid also includes more than 63% Local Business participation.

**Environmental:** The project installs 1.8 miles of bike lanes in West Oakland beginning at the South Prescott neighborhood and ending at the Emeryville border. Significant sidewalk expansions and crossing improvements will occur within two areas of the project: from 7<sup>th</sup> to 10<sup>th</sup> Street, and from Hollis Street to Haven Street. These combined improvements will contribute to an overall shift in mode of transportation away from single occupancy vehicles, and towards walking and biking. As result vehicle emissions, as well as the City's carbon footprint will be reduced.

**Social Equity:** The proposed improvements along this 1.8 miles of roadway is within an identified Metropolitan Transportation Commission 2013 "Community of Concern". The definition of a Community of Concern is when a geographic area is disadvantaged with regards to certain demographic and socioeconomic characteristics. Overall, this new infrastructure will improve transportation, safety, and economic activity in West Oakland.


**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To McGuire & Hester Inc. The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Construction of Peralta Street Streetscape Project (Project No. 414250) In The Amount Of Three Million Seven Hundred Twenty Three Thousand Dollars. (\$3,723,000.00).

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

Respectfully submitted,



Jeffrey Tumlin  
Interim Director, Department of Transportation

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

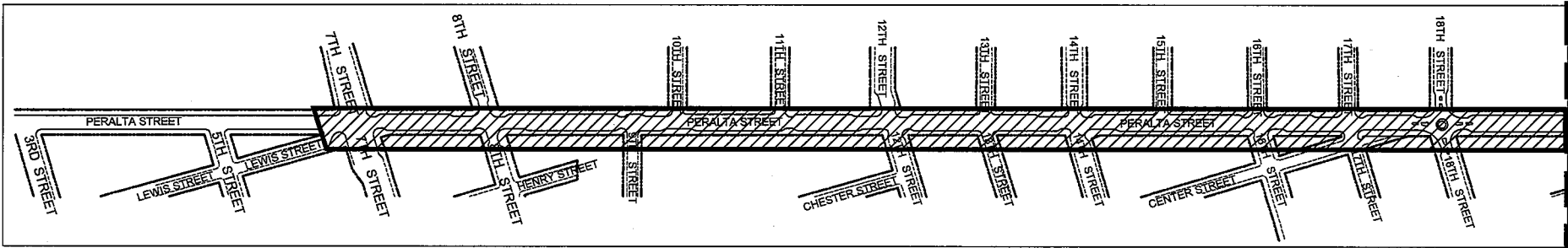
Reviewed by:  
Gus Amirzehni, P.E., Engineering Design and  
R.O.W. Division Manager

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

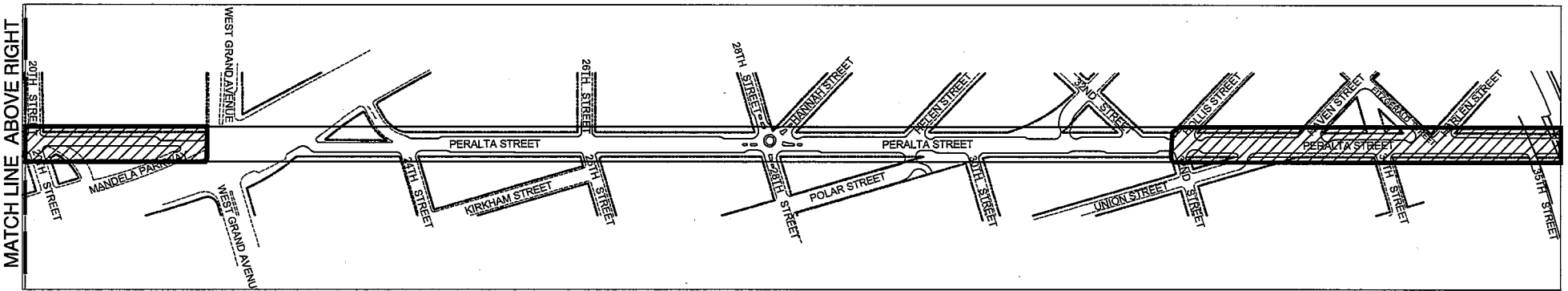
*Attachments (4):*

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

# PERALTA ST STREETSCAPE IMPROVEMENT PROJECT CITY PROJECT NUMBER: P414250



MATCH LINE BELOW LEFT



MATCH LINE ABOVE RIGHT

LOCATION MAP

**The Peralta Street Streetscape Project  
(Project No. P414250)**

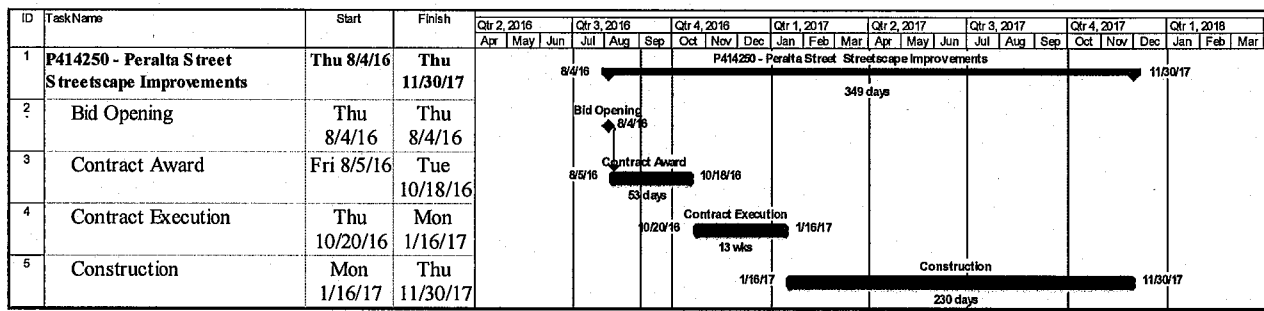
**List of Bidders**

| <b>Company</b>            | <b>Location</b> | <b>Bid Amount</b> |
|---------------------------|-----------------|-------------------|
| McGuire & Hester          | Oakland, CA     | \$3,671,700.00    |
| Redgwick Construction Co. | Oakland CA      | \$3,774,973.20    |
| Ray's Electric            | Oakland, CA     | \$3,791,059.00    |
| Gallagher & Burk          | Oakland, CA     | \$3,849,122.00    |

*Engineer's Estimate*

**\$3,212,638.94**

**Project Schedule**





# INTER OFFICE MEMORANDUM

**TO:** Nader Rabahat

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

**SUBJECT:** Compliance Analysis  
Peralta Streetscape Improvement Project  
Project No. P414250

**DATE:** August 24, 2016

The City Administrator's Office, Contracts & Compliance, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 16.01% for this project.

Below are the results of our findings:

| Responsive to DBE and/or EBO Policies |                     | Proposed Participation |        |        |       |          | Earned Credits and Discounts |                      |                     | Banked Credits Eligibility | EBO Compliant? Y/N |
|---------------------------------------|---------------------|------------------------|--------|--------|-------|----------|------------------------------|----------------------|---------------------|----------------------------|--------------------|
| Company Name                          | Original Bid Amount | DBE Total              | LBE    | SLBE   | VSLBE | Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount |                            |                    |
| McGuire & Hester                      | \$3,671,700.00      | 21.67%                 | 63.90% | 2.67%  | 4.55% | NA       | NA                           | NA                   | NA                  | NA                         | Y                  |
| Redgwick Construction Co.             | \$3,774,973.20      | 18.80%                 | 0.00%  | 62.16% | 0.00% | NA       | NA                           | NA                   | NA                  | NA                         | N                  |
| Ray's Electric                        | \$3,791,059.00      | 32.89%                 | 0.00%  | 33.13% | 0.00% | NA       | NA                           | NA                   | NA                  | NA                         | Y                  |
| Gallagher & Burk                      | \$3,849,122.00      | 16.99%                 | 43.66% | 18.19% | 9.09% | NA       | NA                           | NA                   | NA                  | NA                         | Y                  |

**Comments:** As noted above, all firms exceeded the minimum 16.01% DBE participation goals. Redgwick Construction is not EBO compliant. They will have to come into compliance prior to full contract execution.



## DBE Participation Bidder 4

Project Name: **Paralia Streetscape Improvement Project**

| Project No.: P414280   |                     | Engineer's Est. \$3,212,838.00 |              |                    |                  |                  |                        |                  |                    |                                 |   |            |
|--|---------------------|--------------------------------|--------------|--------------------|------------------|------------------|------------------------|------------------|--------------------|---------------------------------|---|------------|
| Discipline   | Prime & Subs        | Location                       | Cert. Status | LBE Dollars        | SLBE Dollars     | *LPG/SLBE        | Total LBE/SLBE Dollars | DBE Dollars      | Total Dollars      | Certified Disadvantaged MBE/WBE |   |            |
|  |                     |                                |              |                    |                  |                  |                        |                  |                    | Ethn.                           | MBE   | WBE        |
| Prime  | Gallagher & Burk    | Oakland                        | UB           | 1,480,352          |                  |                  | 1,480,352              |                  | 1,480,352          | C                               |   |            |
| Furnish Asphalt  | Gallagher & Burk    | Oakland                        | UB           |                    |                  | 200,000          | 200,000                |                  | 200,000            | C                               |   |            |
| Furnish Aggregate Base/rock  | Argent Material     | Oakland                        | UB           |                    |                  | 10,000           | 10,000                 |                  | 10,000             | C                               |   |            |
| Trucking   | Monroe Trucking     | Oakland                        | CB           |                    |                  | 140,000          | 140,000                | 140,000          | 140,000            | AA                              | 140,000   |            |
| Minor Concrete   | AJW Construction    | Oakland                        | CB           |                    | 700,000          |                  | 700,000                |                  | 700,000            | H                               |   |            |
| Bollards, Fences, Gates  | GK Construction     | Oakland                        | UB           |                    |                  |                  |                        |                  | 33,500             | AP                              |   |            |
| Landscaping & Irrigation   | RMT Landscape       | Oakland                        | CB           | 200,000            |                  |                  | 200,000                | 200,000          | 200,000            | H                               | 200,000   |            |
| Microsurfacing   | Bond Blacktop       | Union City                     | UB           |                    |                  |                  |                        |                  | 49,000             | C                               |   |            |
| Striping, Pavement Markings  | Striping Graphics   | Petaluma                       | UB           |                    |                  |                  |                        |                  | 77,000             | C                               |   |            |
| Underground  | TDW Construction    | Livermore                      | CB           |                    |                  |                  |                        | 314,000          | 314,000            | H                               | 314,000   |            |
| Electrical and Related   | West Coast Electric | Santa Rosa                     | UB           |                    |                  |                  |                        |                  | 645,270            | C                               |   |            |
| <b>Project Totals</b>  |                     |                                |              | <b>\$1,680,352</b> | <b>\$700,000</b> | <b>\$350,000</b> | <b>\$1,250,000</b>     | <b>\$654,000</b> | <b>\$3,849,122</b> |                                 | <b>\$654,000</b>  | <b>\$0</b> |
|  |                     |                                |              | 43.66%             | 18.19%           | 9.09%            | 32.47%                 | 16.99%           | 100%               |                                 | 16.99%  | 0.00%      |
|  |                     |                                |              |                    |                  |                  |                        |                  | DBE Dollars        | Total Dollars                   | <b>Ethnicity</b><br>AA = African American<br>AI = Asian Indian<br>AP = Asian Pacific<br>C = Caucasian<br>H = Hispanic<br>NA = Native American<br>O = Other<br>NL = Not Listed |            |
| <b>Legend</b><br>UB = Uncertified Business<br>CB = Certified Business<br>DBE = Disadvantaged Business Enterprise<br>WBE = Women Business Enterprise<br>DBE - Disadvantaged Business Enterprise |                     |                                |              |                    |                  |                  |                        |                  |                    |                                 |   |            |

**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:** Uptown Art Park  
**Project No.** P130191

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

|   |     |                         |     |
|---|-----|-------------------------|-----|
| Was the 15% Apprenticeship Goal achieved? | Yes | If no, shortfall hours? | N/A |
| Were shortfalls satisfied?                | Yes | If no, penalty amount   | N/A |

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

| 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 Apprenticeship Hours | Apprenticeship Goal and Hours |       | Apprentice Shortfall Hours |
|                     |                                    | Goal                                       | Hours | Goal                                   | Hours |                      |                 |                            |                            | Goal                          | Hours |                            |
| A                   | B                                  | C  |       | D                                      |       | E                    | F               | G                          | H                          | I                             |       | J                          |
| 804                 | 0                                  | 50%  | 402   | 100%                                   | 402   | NA                   | 0               | 100%                       | 120                        | 15%                           | 121   | 0                          |

**Comments:** McGuire & Hester exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 60.5 on-site hours and 60.5 off-site hours.

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



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** P414250

**PROJECT NAME:** Peralta Streetscape Improvement Project

**CONTRACTOR:** McGuire & Hester

| <b><u>Engineer's Estimate:</u></b> | <b><u>Contractors' Bid Amount</u></b> | <b><u>Over/Under Engineer's Estimate</u></b> |
|------------------------------------|---------------------------------------|--|
| \$3,212,639.00                     | \$3,671,700.00                        | -\$459,061.00                                |

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

2. Did the contractor meet the DBE goal of 16.01% **YES**

b) % of DBE participation **21.67%**

c) % of LBE participation **63.90%**

d) % of SLBE participation **2.67%**

e) % of VSLBE/LPG participation **4.55%**

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

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/23/2016**

**Reviewing  
Officer:**

Vivian Gomez

**Date:** 8/23/2016

**Approved By:** Shelley Greenburg

**Date:** 8/23/2016

## DBE Participation Bidder 1

Project Name: **Peralta Streetscape Improvement Project**

| Project No.: P414260   |                                | Engineer's Est. \$3,212,639.00 |              |              |              |            |                        |             |                | Certified Disadvantaged MBE/WBE |  |            |
|--|--------------------------------|--------------------------------|--------------|--------------|--------------|------------|------------------------|-------------|----------------|---------------------------------|--|------------|
| Discipline   | Prime & Subs                   | Location                       | Cert. Status | LBE Dollars  | SLBE Dollars | *LPG/SLBE  | Total LBE/SLBE Dollars | DBE Dollars | Total Dollars  | Ethn.                           | MBE  | WBE        |
|  |                                |                                |              |              |              |            |                        |             |                |                                 |  |            |
| PRIME  | McGuire & Hester               | Oakland                        | UB           | 2,346,090.00 |              |            | 2,346,090.00           |             | 2,346,090.00   | C                               |  |            |
| Asphalt Supply   | Gallagher & Burk               | Oakland                        | UB           |              |              | 167,000.00 | 167,000.00             |             | 167,000.00     | C                               |  |            |
| Concrete Supply  | Central Concrete               | San Jose                       | UB           |              |              |            |                        |             | 162,000.00     | C                               |  |            |
| Tree Guards  | Recreation Republic, Inc.      | San Marcos                     | UB           |              |              |            |                        |             | 14,270.00      | C                               |  |            |
| RCP  | Rinker Materials               | Fresno                         | UB           |              |              |            |                        |             | 7,800.00       | C                               |  |            |
| Storm Precast Structures   | Jensen Precast                 | Martinez                       | UB           |              |              |            |                        |             | 45,000.00      | C                               |  |            |
| Sawcutting   | Bayline Cutting & Coring, Inc. | SF                             | CB           |              |              |            |                        | 12,000.00   | 12,000.00      | H                               | 12,000.00  |            |
| Trucking   | S&S Trucking                   | Oakland                        | CB           |              | 98,000.00    |            | 98,000.00              | 98,000.00   | 98,000.00      | H                               | 98,000.00  |            |
| Bullards   | Francisco Electric Supply      | Oakland                        | CB           |              |              |            |                        | 11,280.00   | 18,800.00      | H                               | 18,800.00  |            |
| Striping & Signage   | Striping Graphics              | Cotati                         | UB           |              |              |            |                        |             | 77,111.00      | C                               |  |            |
| Microsurfacing   | Bond Blacktop                  | Union City                     | UB           |              |              |            |                        |             | 49,081.00      | H                               |  |            |
| Electrical   | Columbia Electric              | San Leandro                    | UB           |              |              |            |                        | 674,548.00  | 674,548.00     | C                               |  | 674,548.00 |
| <b>Project Totals</b>  |                                |                                |              | \$2,346,090  | \$98,000     | \$167,000  | \$2,611,090            | \$795,828   | \$3,671,700.00 |                                 | \$128,800  | \$674,548  |
|  |                                |                                |              | 63.90%       | 2.67%        | 4.55%      | 71.11%                 | 21.67%      | 100%           |                                 | 3.51%  | 18.37%     |
|  |                                |                                |              |              |              |            |                        |             | DBE Dollars    | Total Dollars                   | Ethnicity<br>AA = African American<br>AI = Asian Indian<br>AP = Asian Pacific<br>C = Caucasian<br>H = Hispanic<br>NA = Native American<br>O = Other<br>NL = Not Listed |            |
| <b>Legend</b><br>UB = Uncertified Business<br>CB = Certified Business<br>DBE = Disadvantaged Business Enterprise<br>WBE = Women Business Enterprise<br>DBE = Disadvantaged Business Enterprise |                                |                                |              |              |              |            |                        |             |                |                                 |  |            |



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR:**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** P414250

**PROJECT NAME:** Peralta Street Streetscape Improvement

**CONTRACTOR:** Redgwick Construction Co.

**Engineer's Estimate:**  
\$3,212,639.00

**Contractors' Bid Amount**  
\$3,774,973.20

**Over/Under Engineer's Estimate**  
-\$562,334.20

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

2. Did the contractor meet the DBE goal of 16.01% **YES**

b) % of DBE participation **18.80%**

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

d) % of SLBE participation **62.16%**

e) % of VSLBE/LPG participation **0.00%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NO**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/23/2016**

**Reviewing  
Officer:**

*Vivian Thomas*

**Date:** **8/23/2016**

**Approved By:** *Shelley Davidson*

**Date:** **8/23/2016**



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** P414250

**PROJECT NAME:** Peralta Streetscape Improvement Project

**CONTRACTOR:** Ray's Electric

|                                    |                                       |  |
|------------------------------------|---------------------------------------|--|
| <b><u>Engineer's Estimate:</u></b> | <b><u>Contractors' Bid Amount</u></b> | <b><u>Over/Under Engineer's Estimate</u></b> |
| \$3,212,639.00                     | \$3,791,059.00                        | -\$578,420.00                                |

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

2. Did the contractor meet the DBE goal of 16.01% **YES**

b) % of DBE participation **32.89%**

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

d) % of SLBE participation **33.13%**

e) % of VSLBE/LPG participation **12.95%**

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

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/23/2016**

**Reviewing Officer:** *Wanda Thomas*

**Date:** 8/23/2016

**Approved By:** *Shelley Denevinsky*

**Date:** 8/23/2016

## DBE Participation Bidder 3

| Project Name: <b>Peralta Streetscape Improvement Project</b>   |                           |                       |              |             |              |             |                        |             |               |                                 |               |   |           |
|--|---------------------------|-----------------------|--------------|-------------|--------------|-------------|------------------------|-------------|---------------|---------------------------------|---------------|---|-----------|
| Project No.: <b>P414250</b>  |                           | <b>\$3,212,638.00</b> |              |             |              |             |                        |             |               |                                 |               |   |           |
| Discipline   | Prime & Subs              | Location              | Cert. Status | LBE Dollars | SLBE Dollars | *LPG/VSLBE  | Total LBE/SLBE Dollars | DBE Dollars | Total Dollars | Certified Disadvantaged MBE/WBE |               |   |           |
|  |                           |                       |              |             |              |             |                        |             |               | Ethn.                           | MBE           | WBE   |           |
| Prime  | Ray's Electric            | Oakland               | UB           |             | 1,226,148    |             | 1,226,148              |             | 1,226,148     | C                               |               |   |           |
| Traffic Control  | Traffic Control Pros      | Concord               | CB           |             |              |             |                        | 4,750       | 4,750         | NA                              | 4,750         |   |           |
| SWPPP  | Tully Consulting Group    | Dixon                 | CB           |             |              |             |                        | 14,000      | 14,000        | AA                              | 14,000        |   |           |
| Underground  | TDW Construction          | Livermore             | CB           |             |              |             |                        | 317,025     | 317,025       | H                               | 317,025       |   |           |
| Saw Cutting  | Bay Line Cutting & Coring | San Francisco         | CB           |             |              |             |                        | 13,000      | 13,000        | H                               | 13,000        |   |           |
| Trucking   | S&S Trucking              | Oakland               | CB           |             | 30,000       |             | 30,000                 | 30,000      | 30,000        | H                               | 30,000        |   |           |
| Trucking Services  | Dillard Trucking Inc.     | Byron                 | CB           |             |              |             |                        | 34,000      | 34,000        | C                               |               | \$34,000  |           |
| AC Pavement  | Gallagher & Burk          | Oakland               | UB           |             |              | 490,806     | 490,806                |             | 490,806       | C                               |               |   |           |
| Microsurfacing   | Graham Contractors, Inc.  | San Carlos            | UB           |             |              |             |                        |             | 59,300        | C                               |               |   |           |
| Storm Drain  | TDW Construction          | Livermore             | CB           |             |              |             |                        | 274,075     | 274,075       | H                               | 274,075       |   |           |
| Striping & Signage   | Striping Graphics         | Cotati                | UB           |             |              |             |                        |             | 77,111        | C                               |               |   |           |
| Fencing  | AAA Fence Co              | Santa Clara           | UB           |             |              |             |                        |             | 13,000        | C                               |               |   |           |
| Landscape  | Lonestar Landscaping      | San Martin            | CB           |             |              |             |                        | \$189,000   | \$189,000     | H                               | \$189,000     |   |           |
| Electrical Supply  | Logistical Enterprises    | Clovis                | CB           |             |              |             |                        | \$371,000   | \$371,000     | H                               |               | \$371,000   |           |
| Concrete Supply  | Central Concrete          | San Jose              | UB           |             |              |             |                        |             | \$20,500      | C                               |               |   |           |
| Supply of Bench  | Ross Recreation Equipment | Santa Rosa            | UB           |             |              |             |                        |             | \$4,050       | C                               |               |   |           |
| Supply of Bike Rack  | Palmer Group LLC          | San Francisco         | UB           |             |              |             |                        |             | \$600         | C                               |               |   |           |
| Supply of Trash Receptacles  | Forms & Surface           | San Francisco         | UB           |             |              |             |                        |             | \$9,900       | C                               |               |   |           |
| Supply of Tree Guards  | Recreation Republic, Inc. | San Marcos            | UB           |             |              |             |                        |             | \$14,294      | C                               |               |   |           |
| Concrete Work  | MF Maher, Inc.            | Vallejo               | UB           |             |              |             |                        |             | \$628,500     | C                               |               |   |           |
| <b>Project Totals</b>  |                           |                       |              |             | \$0          | \$1,256,148 | \$490,806              | \$520,806   | \$1,246,850   | \$3,791,059                     |               | \$841,850   | \$405,000 |
|  |                           |                       |              | 0.00%       | 33.13%       | 12.95%      | 13.74%                 | 32.89%      | 100%          |                                 |               | 22.21%  | 10.68%    |
|  |                           |                       |              |             |              |             |                        |             |               | DBE Dollars                     | Total Dollars | <b>Ethnicity</b><br>AA = African American<br>AI = Asian Indian<br>AP = Asian Pacific<br>C = Caucasian<br>H = Hispanic<br>NA = Native American<br>O = Other<br>NL = Not Listed |           |
| <b>Legend</b><br>UB = Uncertified Business<br>CB = Certified Business<br>DBE = Disadvantaged Business Enterprise<br>WBE = Women Business Enterprise<br>DBE - Disadvantaged Business Enterprise |                           |                       |              |             |              |             |                        |             |               |                                 |               |   |           |



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR:**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** P414250

**PROJECT NAME:** Peralta Streetscape Improvement Project

**CONTRACTOR:** Gallagher & Burk

|                                    |                                       |  |
|------------------------------------|---------------------------------------|--|
| <b><u>Engineer's Estimate:</u></b> | <b><u>Contractors' Bid Amount</u></b> | <b><u>Over/Under Engineer's Estimate</u></b> |
| \$3,212,639.00                     | \$3,849,122.00                        | -\$636,483.00                                |

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

2. Did the contractor meet the DBE goal of 16.01% **YES**

- b) % of DBE participation **16.99%**
- c) % of LBE participation **43.66%**
- d) % of SLBE participation **18.19%**
- e) % of VSLBE/LPG participation **9.09%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NO**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/23/2016**

**Reviewing Officer:**

*Vivian...*

**Date:** 8/23/2016

**Approved By:**

*Shelley...*

**Date:** 8/23/2016



## DBE Participation Bidder 2

Project Name: **Peralta Street Streetscape Improvement**

| Project No.: P414250   |                           | Engineer's Est. \$3,212,639.00 |              |             |              |            |                        |             |                |   |            |            |
|--|---------------------------|--------------------------------|--------------|-------------|--------------|------------|------------------------|-------------|----------------|---|------------|------------|
| Discipline   | Prime & Subs              | Location                       | Cert. Status | LBE Dollars | SLBE Dollars | *LPG/VSLBE | Total LBE/SLBE Dollars | DBE Dollars | Total Dollars  | Certified Disadvantaged MBE/WBE   |            |            |
|  |                           |                                |              |             |              |            |                        |             |                | Ethn.   | MBE        | WBE        |
| PRIME<br>Concrete Supply<br>Landscape<br>Underground<br>Micro Surfacing<br>Fencing<br>Striping<br>Trucking<br>Milling<br>Electrical  | Redgwick Construction Co. | Oakland                        | UB           |             | 2,161,674.20 |            | 2,161,674.20           |             | 2,101,674.20   | C   |            |            |
|  | AJW Construction          | Oakland                        | UB           |             |              |            |                        |             | 687,224.00     | H   |            |            |
|  | RMT Landscape             | Oakland                        | CB           |             | 180,000.00   |            | 180,000.00             | 180,000.00  | 180,000.00     | H   | 180,900.00 |            |
|  | TDW Construction          | Livermore                      | CB           |             |              |            |                        | 317,025.00  | 317,025.00     | H   | 317,025.00 |            |
|  | Bond Blacktop             | Union City                     | UB           |             |              |            |                        |             | 49,081.00      | NL  |            |            |
|  | AAA Fence Co              | Santa Clara                    | UB           |             |              |            |                        |             | 13,000.00      | NL  |            |            |
|  | Chrip Co.                 | Fremont                        | UB           |             |              |            |                        |             | 88,969.00      | NL  |            |            |
|  | S&S Trucking              | Oakland                        | CB           |             | 5,000.00     |            | 5,000.00               | 5,000.00    | 5,000.00       | H   | 5,000.00   |            |
|  | ABSL                      | Hayward                        | CB           |             |              |            |                        |             | 20,000.00      | H   | 20,000.00  |            |
|  | Logistical Enterprises    | Santa Rosa                     | CB           |             |              |            |                        |             | 187,800.00     | H   |            | 313,000.00 |
| <b>Project Totals</b>  |                           |                                |              | \$0         | \$2,346,674  | \$0        | \$2,346,674            | \$709,825   | \$3,774,973.20 |   | \$522,025  | \$313,000  |
|  |                           |                                |              | 0.00%       | 62.16%       | 0.00%      | 62.16%                 | 18.80%      | 100%           |   | 13.83%     | 8.29%      |
|  |                           |                                |              |             |              |            |                        | DBE Dollars | Total Dollars  | <b>Ethnicity</b><br>AA = African American<br>AI = Asian Indian<br>AP = Asian Pacific<br>C = Caucasian<br>H = Hispanic<br>NA = Native American<br>O = Other<br>NL = Not Listed |            |            |
| <b>Legend</b><br>UB = Uncertified Business<br>CB = Certified Business<br>DBE = Disadvantaged Business Enterprise<br>WBE = Women Business Enterprise<br>DBE - Disadvantaged Business Enterprise |                           |                                |              |             |              |            |                        |             |                |   |            |            |

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

Project Number/Title: C366930

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

Contractor: McGuire and Hester

Date of Notice to Proceed: 03/26/2012

Date of Notice of Completion: 03/13/2013

Date of Notice of Final Completion: 03/13/2013

Contract Amount: \$899,407.40

Evaluator Name and Title: Phillip Fung, Resident Engineer

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

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

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

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

**ASSESSMENT GUIDELINES:**

|                                     |   |
|-------------------------------------|---|
| <b>Outstanding</b><br>(3 points)    | Performance among the best level of achievement the City has experienced.   |
| <b>Satisfactory</b><br>(2 points)   | Performance met contractual requirements.   |
| <b>Marginal</b><br>(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><br>(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<br><input type="checkbox"/>          | No<br><input type="checkbox"/>  | N/A<br><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<br><input type="checkbox"/> | No<br><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?<br>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.<br>Check 0, 1, 2, or 3. | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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<br><input type="checkbox"/>          | No<br><input checked="" type="checkbox"/> | N/A<br><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<br><input type="checkbox"/>           | No<br><input checked="" type="checkbox"/> |
| 13 | <b>Overall, how did the Contractor rate on timeliness?</b><br>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<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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?<br><br>Number of Claims: _____<br>Claim amounts: \$ _____<br>Settlement amount: \$ _____ |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 18 | Overall, how did the Contractor rate on financial issues?<br>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.<br>Check 0, 1, 2, or 3.              | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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.   |                               |                               |  |                                 |   |
| 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<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 21  | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.   |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 22  | <b>Overall, how did the Contractor rate on communication issues?</b><br><b>The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines.</b><br><b>Check 0, 1, 2, or 3.</b> | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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<br><input checked="" type="checkbox"/> | No<br><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<br><input type="checkbox"/>            | No<br><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<br><input type="checkbox"/>            | No<br><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<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |
| 28 | <b>Overall, how did the Contractor rate on safety issues?</b><br><b>The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines.</b><br><b>Check 0, 1, 2, or 3.</b> | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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>2.0</u> X 0.25 = <u>.50</u> |
| 2. Enter Overall score from Question 13 | <u>2.0</u> X 0.25 = <u>.50</u> |
| 3. Enter Overall score from Question 18 | <u>2.0</u> X 0.20 = <u>.40</u> |
| 4. Enter Overall score from Question 22 | <u>2.0</u> X 0.15 = <u>.30</u> |
| 5. Enter Overall score from Question 28 | <u>2.0</u> X 0.15 = <u>.30</u> |

TOTAL SCORE (Sum of 1 through 5): 2.00

OVERALL RATING: 2.00

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-

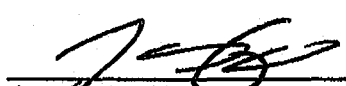


responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.


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.*

 8/23/13  
Contractor / Date

 5/7/13  
Resident Engineer / Date

 5/9/13  
Supervising Civil Engineer / Date

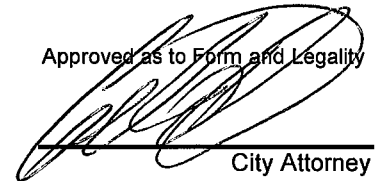
**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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.

2016 SEP 29 PM 3:19

# 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 MCGUIRE & HESTER INC. THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF PERALTA STREET STREETScape PROJECT (PROJECT NO. P414250) IN THE AMOUNT OF THREE MILLION SEVEN TWENTY THREE THOUSAND DOLLARS (\$3,723,000.00).**

**WHEREAS**, on May 21, 2013, the City Council authorized the City Administrator to apply for \$3,098,415.00 Metropolitan Transportation Commission (MTC), Congestion Mitigation and Air Quality Improvement (CMAQ) fund for Peralta Streetscape project; and

**WHEREAS**, Peralta Streetscape project includes the construction of improvements on Peralta Street between 7<sup>th</sup> Street and 36<sup>th</sup> Street; and

**WHEREAS**, The City advertised the project in July 2016 and received four bids with McGuire and Hester meeting the DBE goal and their bid in the amount of \$3,723,000.00 , which includes base bid and the City required insurance being the lowest bid; and

**WHEREAS**, funding for the project in the amount of \$3,723,000.00 will be available in the following project accounts:

- Federal Highway Administration (FHWA) - Congestion Mitigation and Air Quality Improvement (CMAQ) Fund; Department of Transportation Fund (2116); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414250; Program IN05, in the amount of \$2,694,274.00
- Measure B Local Match for Federal Fund Project Fund (2211); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414260; Program IN05, in the amount of \$381,097.00
- Measure BB the City Bike Program Fund (2216); Organization (92260); Construction Account (57411); Project C491220; Program IN17 in the amount of \$67,644.00
- Measure BB the City Resurfacing Program Fund (2216); Organization (92242); Construction Account (57411); Project C491141; Program IN05 in the amount of \$579,985.00

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

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

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

**RESOLVED:** That the City Administrator is authorized to award a Construction Contract To McGuire & Hester Inc. the lowest responsive, responsible bidder, in accordance with plans and specifications and contractor's bid dated August 4, 2016 for the Construction of Peralta Street Streetscape Project (Project No. 414250) from 7<sup>th</sup> Street to 36<sup>th</sup> Street in the amount of Three Million Seven Hundred Twenty Three Thousand Dollars (\$3,723,000.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$3,671,700.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$3,671,700.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with McGuire and Hester, 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 City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if McGuire and Hester, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

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

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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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

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