



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 MAY 10 PM 12:10

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Construction Contract for Storm Water
Trash Separators

DATE: April 5, 2012

City Administrator
Approval

Date:

5/07/12

COUNCIL DISTRICT: 5

RECOMMENDATION

Staff recommends adoption of a Resolution awarding a construction contract to Beliveau Engineering Contractors, Inc., for the Installation of Stormwater Trash Control Units on High Street Near Tidewater Avenue and on Alameda Avenue Near Fruitvale Avenue (Project No. C424420) in the amount of Seven Hundred Forty Three Thousand and Two Hundred Dollars (\$743,200.00).

OUTCOME

Approval of this Resolution will authorize the City Administrator to execute a construction contract with Beliveau Engineering Contractors, Inc., in the amount of \$743,200.00 for the installation of two underground storm water trash separators collecting trash from storm water prior to reaching the Oakland Estuary. The project is fully funded by grants and will help the City meet clean water regulations.

This project will help collect trash pollution from the storm water flowing in the Oakland Estuary and helps the City meet the requirements of the Regional Water Quality Control Board's National Pollution Discharge Elimination System, Municipal Regional Stormwater Discharge Permit (MRP).

BACKGROUND/LEGISLATIVE HISTORY

Regulatory Requirements

In October 2009, the Regional Water Quality Control Board (RWQCB) adopted a new MRP that requires all cities to reduce the amount of trash in their storm drain systems by 40% by 2014.

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ANALYSIS

On March 23, 2012, the City Clerk received four bids for this project as follows: \$743,200.00, \$1,014,000.00, \$1,034,626.00, and \$1,704,000 shown in *Attachment A*. Beliveau Engineering Contractors, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$690,000.00. The construction is scheduled to begin in July 2012 and expected to be completed in October or early November 2012. The project schedule is also shown in *Attachment A*.

Under the proposed contract with Beliveau Engineering Contractors, Inc., the contractor's Local Business Enterprise / Small Local Business Enterprise (LBE/SLBE) participation of \$334,700.00 (74.34%) exceeds the City's minimum 35% LBE/SLBE for ARRA funded projects. The contractor shows \$7,000.00 (100%) for local trucking which exceeds the 20% Local Trucking requirement. The contractor is also required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The analysis of the bids by the City's Social Equity Division of the Department of Contracting and Purchasing in *Attachment B* shows that Beliveau Engineering Contractors, Inc. has met the City's requirements.

The project is fully funded by grants from the State Department of Water Resources Clean Water State Revolving Fund (CWSRF), The San Francisco Estuary Partnership Trash Capture Project, and the Bay Area Stormwater Management Agency Association.

PUBLIC OUTREACH/INTEREST

Businesses and residents in the area will be notified by the City's construction Resident Engineer about construction activities, schedule, and the key contact person in advance of any construction.

COORDINATION

Offices consulted in the preparation of this report are the Office of the City Attorney and the Budget Office.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$743,200.00.

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2. SOURCES OF FUNDING:

| | <u>Amount</u> |
|---|---------------|
| American Recovery and Reinvestment, California State Water Resources Control Board (Project C424420, Fund 2159, Organization 92242, Account 57411) | \$ 457,350.00 |
| The San Francisco Estuary Partnership Trash Capture (Project C390720, Fund 2159, Organization 92242, Account 57411) | \$ 242,570.00 |
| Anticipating approval of a Resolution on May 8, 2012 for Stormwater Treatment Grant from the Bay Area Stormwater Management Agencies Association. (Project G444210, Fund 2159, Organization 92242, Account 57411) | \$ 43,280.00 |
| | <hr/> |
| Total grant funds available for award of construction contract | \$ 743,200.00 |

3. FISCAL IMPACT:

With the above sources of grant funds, the project will be fully funded. The approval of this Resolution will authorize the City Administrator to award a construction contract to Beliveau Engineering Contractors, Inc. in the amount of \$743,200.00.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation in *Attachment C* for Beliveau Engineering Contractors, Inc., for a previously completed project shows satisfactory performance.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor has been verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in dollars being spent locally.

Environmental: Health and safety threats to wildlife and humans would be reduced with this project collecting trash from storm water.

Social Equity: The City's waterfront landscape would be cleaner and inviting to all Oakland residents with this project collecting trash from storm water.


CEQA

The project is declared Exempt by the City and the State Water Resources Control Board for having no significant effect on the environment. The City's Notice of Exemption has been filed and later certified by the State Water Resources Control Board.

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For questions regarding this report, please contact Lesley Estes, Watershed and Stormwater Management Supervisor, at 510-238-7431.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

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

Prepared by:
Lesley Estes, Supervisor
Watershed and Stormwater Management

Attachments:

- Attachment A – Bidders List & Construction Schedule
- Attachment B – Contracts & Compliance Unit Compliance Evaluation
- Attachment C – Contractor Performance Evaluation

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Attachment B

Contract Compliance Report



Memo

City Administrator's Office -- Contracts and Compliance Unit

To: Kevin Kashi – Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes – Contracts and Compliance Director *Deborah Barnes*
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Calvin Hao- PWA Contracts Services
Date: April 23, 2012
Re: C424410- installation of Storm Water Trash Control Units on High Street near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue. American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)—(Including Alternates 1- 4)

On March 29, 2012, the City Administrator's Office, Contracts and Compliance Unit, reviewed four (4) bids in response to the above referenced project on the base bid only. On April 19, 2012, the PWA asked for a revised compliance analysis to include Bid Alternates I through 4. This is an American Recovery and Reinvestment Act (ARRA) – Stimulus Funds project. Below is the outcome of the compliance evaluation for the minimum 35% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

| Responsive to L/SLBE and/or EBO Policies | | Proposed Participation | | | | Earned Credits and Discounts | | | Banked Credits Eligibility | EBO Compliant? Y/N |
|--|---------------------|------------------------|-----|--------|-----------------|------------------------------|----------------------|---------------------|----------------------------|--------------------|
| Company Name | Original Bid Amount | Total LBE/SLBE | LBE | SLBE | L/SLBE Trucking | Total Credited participation | Banked Bid Discounts | Adjusted Bid Amount | | |
| Beliveau Engineering Contractors, Inc. | \$743,200 | 84.46% | 0% | 84.46% | 100% | 84.46% | 5% | \$706,040 | 2% | Y |
| Andes Construction | \$1,014,000 | 78.54% | 69% | 77.85% | 100% | 78.54% | 5% | \$963,300 | 2% | Y |

Comments: As noted above, both firms met and/or exceeded the minimum 35% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

| Non-Responsive to L/SLBE and/or EBO Policies | | Proposed Participation | | | | Earned Credits and Discounts | | | Banked Credits Eligibility | EBO Compliant? Y/N |
|--|---------------------|------------------------|-----|------|-----------------|------------------------------|----------------------|---------------------|----------------------------|--------------------|
| Company Name | Original Bid Amount | Total LBE/SLBE | LBE | SLBE | L/SLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | | |
| J & M, Inc. | \$1,034,626 | 0% | 0% | 0% | 0% | 0% | 0% | \$0 | 0% | Y |
| Ranger Pipelines, Inc. | \$1,704,000 | 0% | 0% | 0% | 0% | 0% | 0% | \$0 | 0% | Y |

Comments: As noted above, both firms failed to meet the minimum 35% L/SLBE (ARRA) and 35% L/SLBE trucking participation requirement. Therefore, they are deemed non-responsive.

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: Beliveau Engineering
 Project Name: Emergency Construction of permanent Improvements...2333 Tunnel Road...
 Project No: C995810

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 | C | D | D | E | F | G | H | I | I | J |
| 670 | 335 | 50% | 421 | 100 | 421 | 0 | 0 | 100 | 101 | 15% | 101 | 0 |

Comments: Beliveau Engineering exceeded the Local Employment Program's 50% resident hiring goal met the 15% Oakland Apprenticeship Program goals with 50.5 on-site hours and 50.5 off-site hours.

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

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C424410

PROJECT NAME: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue
American Recovery and Reinvestment Act (ARRA) – Stimulus Funds
Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

CONTRACTOR: Beliveau Engineering Contractors, Inc.

| | | |
|--|---|--|
| <u>Engineer's Estimate:</u> \$690,000.00 | <u>Contractors' Bid Amount</u> \$743,200.00 | <u>Over/Under Engineer's Estimate</u> -\$53,200.00 |
|--|---|--|

| | | |
|--|---|---|
| <u>Discounted Bid Amount:</u> \$706,040.00 | <u>Amount of Bid Discount</u> \$37,160.00 | <u>Discount Points:</u> 6.00% |
|--|---|---|

1. Did the 35% requirements apply? **YES**
2. Did the contractor meet the 35% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **84.46%**
3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5.00%**
5. Additional Comments.

Per the Project Manager, trucking is warranted on this prelect.

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

4/23/2012
Date

Reviewing Officer:

Spencer Hays

Date: 4/23/2012

Approved By:

Shelley Sorenson

Date: 4/23/2012

LBE/SLBE PARTICIPATION

BIDDER 1

| Project Name: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4) | | | | | | | | | | | | | | | |
|---|--|----------|-----------------------------|---------|--------------|----------------|---|---|---------------|--|-------------|-------|--|--|--|
| Project No.: C424410 | | | Engineers Est: \$690,000.00 | | | | Under/Over Engineers Estimate: -\$53,200.00 | | | | | | | | |
| Discipline | Prime & Subs | Location | Cert Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | For Tracking Only | | | | | |
| | | | | | | | | | | Ethn. | MBE | WBE | | | |
| PRIME | Beliveau Engineering Contractors, Inc. | Oakland | CB | | 614,700.00 | | 614,700.00 | | 614,700.00 | C | | | | | |
| Trucking | Williams Trucking | Oakland | CB | | 13,000.00 | 13,000.00 | 13,000.00 | 13,000.00 | 13,000.00 | AA | 13,000.00 | | | | |
| Precast Supply | Contech Construction Product | SF | UB | | | | | | 115,500.00 | NL | | | | | |
| Project Totals | | | | \$0.00 | \$627,700.00 | \$13,000.00 | \$627,700.00 | \$13,000.00 | \$743,200.00 | | \$13,000.00 | \$0 | | | |
| | | | | 0.00% | 84.46% | 84.46% | 100.00% | 100.00% | 100.00% | | 1.75% | 0.00% | | | |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 15% | SLBE 25% | TOTAL LBE/SLBE | 35% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian N = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | | | | |
| Legend LBB = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise | | | | | | | | UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise | | | | | | | |

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C424410

PROJECT NAME: installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

CONTRACTOR: Andes Construction

| | | |
|--|---|---|
| <u>Engineer's Estimate:</u> \$690,000.00 | <u>Contractors' Bid Amount</u> \$1,014,000.00 | <u>Over/Under Engineer's Estimate</u> -\$324,000.00 |
|--|---|---|

| | | |
|--|---|---|
| <u>Discounted Bid Amount:</u> \$963,300.00 | <u>Amount of Bid Discount</u> 50,700.00 | <u>Discount Points:</u> 5.00% |
|--|---|---|

1. Did the 35% requirements apply? **YES**

2. Did the contractor meet the 35% requirement? **YES**
 - b) % of LBE participation **0.69%**
 - c) % of SLBE participation **77.85%**

3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100.00%**

4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5.00%**

5. Additional Comments.

Per the Project Manager, trucking is warranted on this project.

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

4/23/2012
Date

Reviewing Officer:

[Signature]

Date: 4/23/2012

Approved By:

Shelley Saransky

Date: 4/23/2012

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

| Project No.: C424410 | | Engineers Est: \$690,000.00 | | | Under/Over Engineers Estimate: -\$324,000.00 | | | | | For Tracking Only | | |
|--|------------------------------------|-----------------------------|-------------|----------|--|----------------|-----------------------|---|----------------|--|--------------|--------|
| Discipline | Prime & Subs | Location | Cert Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
| PRIME | Andes Construction | Oakland | UB | | 769,443.00 | 769,443.00 | | | 769,443.00 | H | 763,443.00 | |
| Sew Cut | Bay Line Concrete Cutting & Coring | Oakland | UC | | | | | | 5,000.00 | H | 5,000.00 | |
| Trucking | Foston Trucking | Oakland | CB | | 20,000.00 | 20,000.00 | 20,000.00 | 20,000.00 | 20,000.00 | AA | 20,000.00 | |
| CDS Unit | Contech | Chicago | UB | | | | | | 188,557.00 | C | | |
| Pipe | ISCO | Louisville, KY | UB | | | | | | 2,000.00 | C | | |
| Asphalt | Gallagher & Burk | Oakland | CB | 5,000.00 | | 5,000.00 | | | 5,000.00 | C | | |
| Rock | Dutra | San Rafael | UB | | | | | | 2,000.00 | C | | |
| AB | Aman | Los Angeles | UB | | | | | | 1,000.00 | NL | | |
| Shoring | LB Foster | Union City | UB | | | | | | 16,000.00 | NL | | |
| Concrete | Right Away | Oakland | CB | 2,000.00 | | 2,000.00 | | | 2,000.00 | C | | |
| Striping | Chrip Co. | Fremont | UB | | | | | | 3,000.00 | C | | |
| Project Totals | | | | \$7,000 | \$789,443.00 | \$796,443.00 | \$20,000.00 | \$20,000.00 | \$1,014,000.00 | | \$788,443.00 | \$0.00 |
| | | | | 0.69% | 77.85% | 78.54% | 100.00% | 100.00% | 100.00% | | 77.76% | 0.00% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE: 15% | SLBE: 25% | TOTAL LBE/SLBE | 35% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific O = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise | | | | | | | | UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise | | | | |

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C424410

PROJECT NAME: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

CONTRACTOR: J & M, inc.

| | | |
|---|--|--|
| <u>Engineer's Estimate:</u> \$690,000.00 | <u>Contractors' Bid Amount</u> \$1,034,626.00 | <u>Over/Under Engineer's Estimate</u> -\$344,626.00 |
| <u>Discounted Bid Amount:</u> \$0.00 | <u>Amount of Bid Discount</u> \$0.00 | <u>Discount Points:</u> 0.00% |

- 1. Did the 35% requirements apply? YES
- 2. Did the contractor meet the 35% requirement? NO
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%
- 3. Did the contractor meet the Trucking requirement? NO
 - a) Total SLBE/LBE trucking participation 0.00%
- 4. Did the contractor receive bid discounts? NA
 - (If yes, list the percentage received) 0.00%

5. Additional Comments.

Per the Project Manager, trucking is warranted on this project. Contractor failed to meet 35% L/SLBE (ARRA) and 35% Trucking participation requirement. Therefore, they are deemed non-responsive.

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

Reviewing Officer:

[Signature]
Shelley Arensburg

Approved By:

4/23/2012
Date

Date: 4/23/2012

Date: 4/23/2012

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

| Project No.: C424410 | | Engineers Est. \$690,000.00 | | | | Under/Over Engineers Estimate: -\$344,626.00 | | | | For Tracking Only | | |
|---|----------------------|-----------------------------|--------------|---|-----------|--|-----------------------|---|----------------|--|--------|--------|
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
| PRIME Trucking | J & M, Inc. | Livermore | UB | | | | | | 1,016,626.00 | O | | |
| | Destination Anywhere | Tracy | UB | | | | | 18,000.00 | 18,000.00 | NL | | |
| Project Totals | | | | \$0 | \$0.00 | \$0.00 | \$0.00 | \$18,000.00 | \$1,034,626.00 | | \$0.00 | \$0.00 |
| | | | | 0.00% | 0.00% | 0.00% | 0.00% | 100.00% | 100.00% | | 0.00% | 0.00% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE: 15% | SLBE: 25% | TOTAL LBE/SLBE | 35% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | LBB = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise HPSLBE = NonProfit Small Local Business Enterprise | | | | UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise | | | | |

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C424410

PROJECT NAME: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

CONTRACTOR: Ranger Pipelines, Inc.

| | | |
|--|---|---|
| <u>Engineer's Estimate:</u> \$690,000.00 | <u>Contractors' Bid Amount</u> \$1,704,000.00 | <u>Over/Under Engineer's Estimate</u> -\$1,014,000.00 |
| <u>Discounted Bid Amount:</u> \$0.00 | <u>Amount of Bid Discount</u> \$0.00 | <u>Discount Points:</u> 0.00% |

- 1. Did the 35% requirements apply? **YES**

- 2. Did the contractor meet the 35% requirement? **NO**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **0.00%**

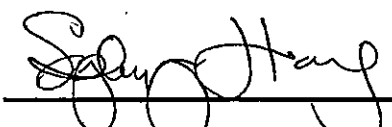
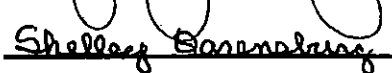
- 3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total SLBE/LBE trucking participation **0.00%**

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

5. Additional Comments.

Per the Project Manager, trucking is warranted on this project. Contractor failed to meet 35% L/SLBE (ARRA) and 35% Trucking participation requirement. Therefore, they are deemed non-responsive.

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

| | | |
|----------------------------------|---|---------------------------------|
| <u>Reviewing Officer:</u> |  | <u>4/23/2012</u> Date |
| <u>Approved By:</u> |  | <u>4/23/2012</u> Date |

LBE/SLBE PARTICIPATION

BIDDER 4

Project Name: Installation of Storm Water Trash Control Units On High Street Near Tidewater Avenue and Alameda Avenue Near Fruitvale Avenue American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)-(Including Alternates 1-4)

| Project No.: C424410 | | Engineers Est: \$690,000.00 | | | | Under/Over Engineers Estimate: -\$1,014,000.00 | | | | | | | |
|--|------------------------|-----------------------------|--------------|---|-----------------|--|------------------------------|----------------|----------------|--|--------|--------|--|
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | For Tracking Only | | | |
| | | | | | | | | | | Ethn. | MBE | WBE | |
| PRIME | Ranger Pipelines, Inc. | San Francisco | UB | | | | | | 1,704,000.00 | C | | | |
| Project Totals | | | | \$0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1,704,000.00 | | \$0.00 | \$0.00 | |
| | | | | 0.00% | 0.00% | 0.00% | 0.00% | 100.00% | 100.00% | | 0.00% | 0.00% | |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 15% | SLBE 25% | TOTAL LBE/SLBE | 35% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | | |
| Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise | | | | UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise | | | | | | | | | |

Attachment C

Contractor Performance Evaluation

City of Oakland
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: 915-939 66TH AVENUE SITE DEMOLITION & PREPARATION

Work Order Number (if applicable): _____

Contractor: BELIVEAU ENGINEERING CONTRACTORS

Date of Notice to Proceed: 4-18-11

Date of Notice of Completion: 8-26-11

Date of Notice of Final Completion: 8-26-11

Contract Amount: \$ 1,092,189.75

Evaluator Name and Title: JUN OSALBO, RESIDENT ENGINEER

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

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

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

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

ASSESSMENT GUIDELINES:

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

Contractor: BELIVEAU ENGR. Project No. C423910

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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | 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 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 #8. If "Yes", complete (9a) below. | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 9a | Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc). Provide documentation. | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 | Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3. | 0 <input type="checkbox"/> | 1 <input type="checkbox"/> | 2 <input checked="" type="checkbox"/> | 3 <input type="checkbox"/> | |

Contractor: BELVEAU ENAR Project No. C423910

COMMUNICATION

| | | Unsatisfactory | Marginal | Satisfactory | Outstanding | Not Applicable |
|-----|---|-------------------------------|-------------------------------|--|---------------------------------|---|
| 19 | Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 | Did the Contractor communicate with City staff clearly and in a timely manner regarding: | | | | | |
| 20a | Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20b | Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20c | Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20d | Were there any billing disputes? If "Yes", explain on the attachment. | | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 21 | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation. | | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 22 | Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3. | 0 <input type="checkbox"/> | 1 <input type="checkbox"/> | 2 <input checked="" type="checkbox"/> | 3 <input type="checkbox"/> | |

Contractor: Beuvera ENCRS Project No. C423910

OVERALL RATING

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

- 1. Enter Overall score from Question 7 2 X 0.25 = .50
- 2. Enter Overall score from Question 13 2 X 0.25 = .50
- 3. Enter Overall score from Question 18 2 X 0.20 = .40
- 4. Enter Overall score from Question 22 2 X 0.15 = .30
- 5. Enter Overall score from Question 28 2 X 0.15 = .30

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2

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

PROCEDURE:

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

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

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

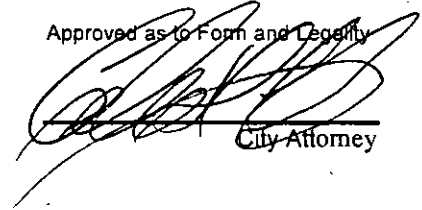
Contractor: BEUVEAU ENRS. Project No. C423910

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.

Contractor: BELIVEAU GENRS. Project No. C423910

C14h



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAY 10 PM 12:10 OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER FOR THE INSTALLATION OF STORMWATER TRASH CONTROL UNITS ON HIGH STREET NEAR TIDEWATER AVENUE AND ON ALAMEDA AVENUE NEAR FRUITVALE AVENUE (PROJECT NO. C424420) IN THE AMOUNT OF SEVEN HUNDRED FORTY THREE THOUSAND AND TWO HUNDRED DOLLARS (\$743,200.00) AND IN ACCORD WITH CONTRACTOR'S BID

WHEREAS, on March 23, 2012, four bids were received by the Office of the City Clerk of the City of Oakland for the Installation of Stormwater Trash Control Units on High Street Near Tidewater Avenue and on Alameda Avenue Near Fruitvale Avenue (Project No. C424420); and

WHEREAS, The installation of the storm water trash separators will help the City meet the new Municipal Regional Stormwater Discharge Permit (MRP) trash pollution reduction regulations citywide; and

WHEREAS, approval of this resolution will authorize the City Administrator to award a construction contract to Beliveau Engineering Contractors, Inc., in the amount of \$743,200.00 for the construction of two underground storm water trash separators that will reduce trash pollutants flowing in Damon Slough and the Oakland Estuary; and

WHEREAS, Behveau Engineering Contractors, Inc., a certified SLBE bidding as a prime is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, there will be sufficient funds in the project budget for the work. Funding for this project will be available in the following project accounts:

| | <u>Amount</u> |
|--|---------------|
| American Recovery and Reinvestment, California State Water Resources Control Board (Project C424420, Fund 2159, Organization 92242, Account 57411) | \$ 457,350.00 |
| The San Francisco Estuary Partnership Trash Capture (Project C390720, Fund 2159, Organization 92242, Account 57411) | \$ 242,570.00 |
| Anticipating approval of a Resolution on May 8, 2012 for Stormwater Treatment Grant from the Bay Area Stormwater Management Agencies Association. (Project G444210, Fund 2159, Organization 92242, Account 57411) | \$ 43,280.00 |
| Total grant funds available for award of construction contract | \$ 743,200.00 |

; and

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

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

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE and trucking requirements; and

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

FURTHER RESOLVED: That the City Administrator is authorized to award a construction contract To Beliveau Engineering Contractors, Inc., for the Installation of Stormwater Trash Control Units on High Street near Tidewater Avenue and on Alameda Avenue near Fruitvale Avenue (Project No. C424420) in the Amount of seven hundred forty three thousand and two hundred dollars (\$743,200.00) and in accordance with the plans and specifications for the Project and the contractor's bid dated March 23, 2012; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of Public Works for this project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract with Beliveau Engineering Contractors, Inc. within the limitations of the project specifications; and be it

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

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

FURTHER RESOLVED: That the 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, _____,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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