

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 FEB 25 AM 9:34

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: March 9, 2010

RE: **Resolution: 1) Awarding A Contract To The Lowest, Responsible, Responsive Bidder, Ray's Electric, Inc., For The Base Bid Amount Of One Hundred Seventy-One Thousand Eight Hundred Dollars (\$171,800.00) For The Construction Of The Josie De La Cruz Park Phase 2 Improvement Project (No. C329540) In Accord With Plans And Specifications And Contractor's Bid; 2) Accepting and Appropriating A Grant From The Unity Council In The Amount Of Thirty-Two Thousand Dollars (\$32,000.00) For The Project; and 3) Authorizing An Increase In The Construction Contract Up To A Maximum Of Two Hundred Eighty-Seven Thousand Three Hundred Dollars (\$287,300.00) To Implement All The Bid Alternates As Additional Funds Become Available, Without Return To Council**

SUMMARY

A resolution has been prepared which awards a construction contract to Ray's Electric, Inc. for the Josie De La Cruz Park Improvements Phase 2 Project (No. C329540) in the amount of \$171,800.00. Four bids were received on December 17, 2009, for the project involving the creation of a basketball court, lighting and pathway improvements and irrigation modifications.

In Spring 2008, the City completed a multi-purpose artificial-turf field in Phase 1 of the Josie De La Cruz Park Project in collaboration with the Discovery Channel Green Planet program, who sponsored the donation of the turf field. The Phase 2 project will complete the improvements immediately surrounding and adjacent to the field. Ray's Electric, Inc. is a certified small local business and they have met the City's Local and Small Local Business Enterprise (L/SLBE) Program requirements with 54.41% total participation. Sufficient funds are available for the base bid construction contract. The project is located at 1637 Fruitvale Avenue (*Attachment A*) in Council District 5.

FISCAL IMPACT

The resolution will authorize a construction contract for \$171,800.00 with Ray's Electric, Inc. for the base bid scope described above.

The engineer's estimate is \$154,000.00. Redevelopment funds in the amount of \$181,298.67 are available to award the base bid contract; however, remaining funds for contingency are insufficient. At the time of the bid opening, it was unknown whether an additional \$32,000.00 National Football League (NFL) grant through the Unity Council would be available for the project. The grant has been confirmed and there are sufficient funds in the total amount of

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\$213,298.67 to award the base construction contract and provide adequate construction contingency. The following funding sources are available to award the contract:

<u>Amount</u>	<u>Funding Description</u>
\$171,800.00	Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Josie De La Cruz Park Improvement Phase 2 Project (C329540), Landscape Improvement Account (57112), Project Delivery Program (IN06)
\$9,498.67	Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Josie De La Cruz Park Improvement Phase 2 Project (C329540), Construction Contingency Account (54011), Project Delivery Program (IN06)
\$32,000.00	Private grant funds will be appropriated and allocated upon Council approval of the proposed resolution and established under Fund (2190) – Private Grant, in a new project number to be determined.

The Josie De La Cruz Park Improvement Project is one of the Park Prioritization Projects approved by the City Council in December 2007, with an estimated project cost of \$825,770.00. In the adopted FY 2007-09 Budget, the Redevelopment Agency approved and allocated \$700,000.00 for the Josie De La Cruz Park project under Resolution No. 2007-0054 C.M.S. and adopted under City Resolution No. 80674 C.M.S. In December 2007 Council accepted and appropriated an additional \$50,000.00 of Redevelopment Agency funds for the Project (Resolution No. 80960 C.M.S.) for a total fund appropriation of \$750,000.00. Phase 1 Artificial Field Turf installation utilized \$388,680.00 of the Redevelopment Funds. The remaining \$361,320.00 was allocated for Phase 2 and to update the overall park improvement plan.

Refer to *Key Issues and Impacts Section* for information on the impacts to the maintenance and operations associated with this improvement project.

BACKGROUND

The Josie De La Cruz Park Improvement project scope was developed over several years through continuous outreach, community input, and collaboration with various stakeholders. Community meetings were held at the Carmen Flores Recreation Center and other sites, led by the District 5 Council Office and the Office of Parks & Recreation (OPR). Input from residents as well as community groups, such as the Unity Council, Urban Ecology, and the adjacent school, were received and incorporated to the extent feasible for the project. The first phase of the overall park improvement provided a much-needed upgrade to the existing field by replacing the field with synthetic turf. The second phase will complete the scope at the front park area along

Fruitvale Avenue frontage to continue the park's recreational amenities to best serve the local residents.

On December 17, 2009, the City Clerk received four bids for the Josie De La Cruz Park Improvement Phase 2 Project. Of the four bids submitted, two were found to be responsive, with two deemed non-responsive by the Department of Contracting & Purchasing. Refer to the Social Equity Division's Bid Canvass, **Attachment B** for a complete summary of bids. The two responsive bidders are as follows:

Beliveau Engineering Contractors	\$250,000.00
Ray's Electric, Inc.	\$171,800.00

The engineer's estimate is \$154,000.00. The lowest responsive and responsible bid of \$171,800.00 was submitted by Ray's Electric. The lowest responsive and responsible bid submitted by Ray's Electric meets L/SLBE requirements with participation of 54.41%. Redevelopment Funds and the NFL Grant Funds from the Unity Council will be used to provide the sufficient funds to award the base bid construction contract.

KEY ISSUES AND IMPACTS

Project Construction

Upon approval of the resolution, a contract will be awarded and construction is estimated to begin in May 2010. The project duration is 80 working days from the date of the Notice to Proceed, and completion is anticipated no later than end of Summer 2010. The construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 80 working days is exceeded.

Completing the base bid scope will promote additional active play spaces at the park – basketball court, jogging and walking paths, and the added lighting will also allow evening use. The new lighting will require periodic routine maintenance and bulb replacements and will be on a timer-control device that sets lighting use hours as well as allows temporary manual override to minimize electricity and allow flexibility of use.

Operation and Maintenance Considerations

The Public Works Agency has determined that to maintain these improvements at an acceptable level, an additional .20 FTE Park Attendant will be required at an approximate cost of \$12,251 per year. Additional maintenance activity includes increased manual mowing time and increased litter and graffiti abatement due to the additional park hours and use. It is also estimated that there will be an additional \$3,100.00 per year in electrical operating costs due to the new lighting.

The additional cost of electricity and maintenance staff are unbudgeted. Future lifecycle costs will be significant such as:

- Replacing all the sport field lamps given an estimated life of 5-6 years.
- Resurfacing the basketball court after 5 years.
- Repairing or replacing basketball backboards, fencing and other amenities.

The City will incur these expenses in the future, but given the current budget constraints, it is not possible to fully budget for future maintenance. However, it is in the City's best interest to consider lifecycle costs for new park and building projects when discussing the fiscal impact. There will be predictable and unfunded maintenance requirements that should be incorporated into future City Budgets.

PROJECT DESCRIPTION

The project will complete the Fruitvale Field sports elements by integrating the new artificial turf field with the existing stage, adding a new jogging/walking pathway, basketball court, lighting for the existing field, landscaping and community amenities. The project design and scope are based on the programming requirements of the Carmen Flores Recreation Center and on citizens' input expressed in community meetings conducted.

The project scope includes seven alternates to complete Phase 2. The District 5 Council Office is working with various stakeholders and potentially raising additional funds to complete some of the priority alternates. If additional funds become available during the construction period, the increased contract maximum will allow the City to complete the community's intended project scope that is currently restricted by the available funds.

EVALUATION OF PAST PERFORMANCE

Ray's Electric, Inc. has performed effectively in past projects. It ranked "Satisfactory" overall for the Safe Routes to School completed in February 2009. See *Attachment C* for a copy of the evaluation.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate business tax, sales tax, and other revenues for the City for work on the project. The project will provide the opportunity to use local contractors, which offer employment to Oakland residents, thereby strengthening the local economy. The work will be performed by an SLBE contractor.

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

Social Equity: The improvements to the Josie De La Cruz Park will benefit the neighborhood and the community at large by providing added recreational amenities for users of all ages in an area with limited open space and recreational opportunities. The Alameda County Health Department has identified the need for greater recreational opportunities in Oakland where obesity and poverty are among the highest percentage in the County.

DISABILITY AND SENIOR CITIZEN ACCESS

The work will improve upon conditions at the park by including sideline bench seating and other walkway improvements adjacent to the field. All construction will meet the requirements of the Americans with Disabilities Act.

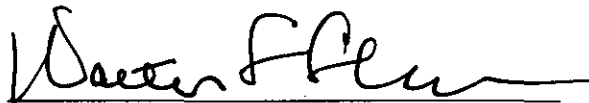
RECOMMENDATIONS AND RATIONALE

It is recommended that the Council: 1) Award a contract to the lowest, responsible, responsive bidder, Ray's Electric, Inc., for the base bid amount of one hundred seventy-one thousand eight hundred dollars (\$171,800.00) for the construction of the Josie De La Cruz Park Improvement Project (No. C329540) in accord with plans and specifications for the project and contractor's bid; 2) Accept and appropriate a grant from the Unity Council in the amount of thirty-two thousand dollars (\$32,000.00) for the project; and 3) Authorize an increase in the construction contract up to a maximum two hundred eighty-seven thousand three hundred dollars (\$287,300.00) to implement all the bid alternates as additional funds become available, without return to Council.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

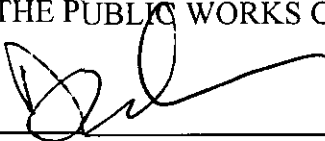


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael J. Neary, P.E., Deputy Director
Department of Engineering and Construction

Prepared by:
Denise Louie, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:

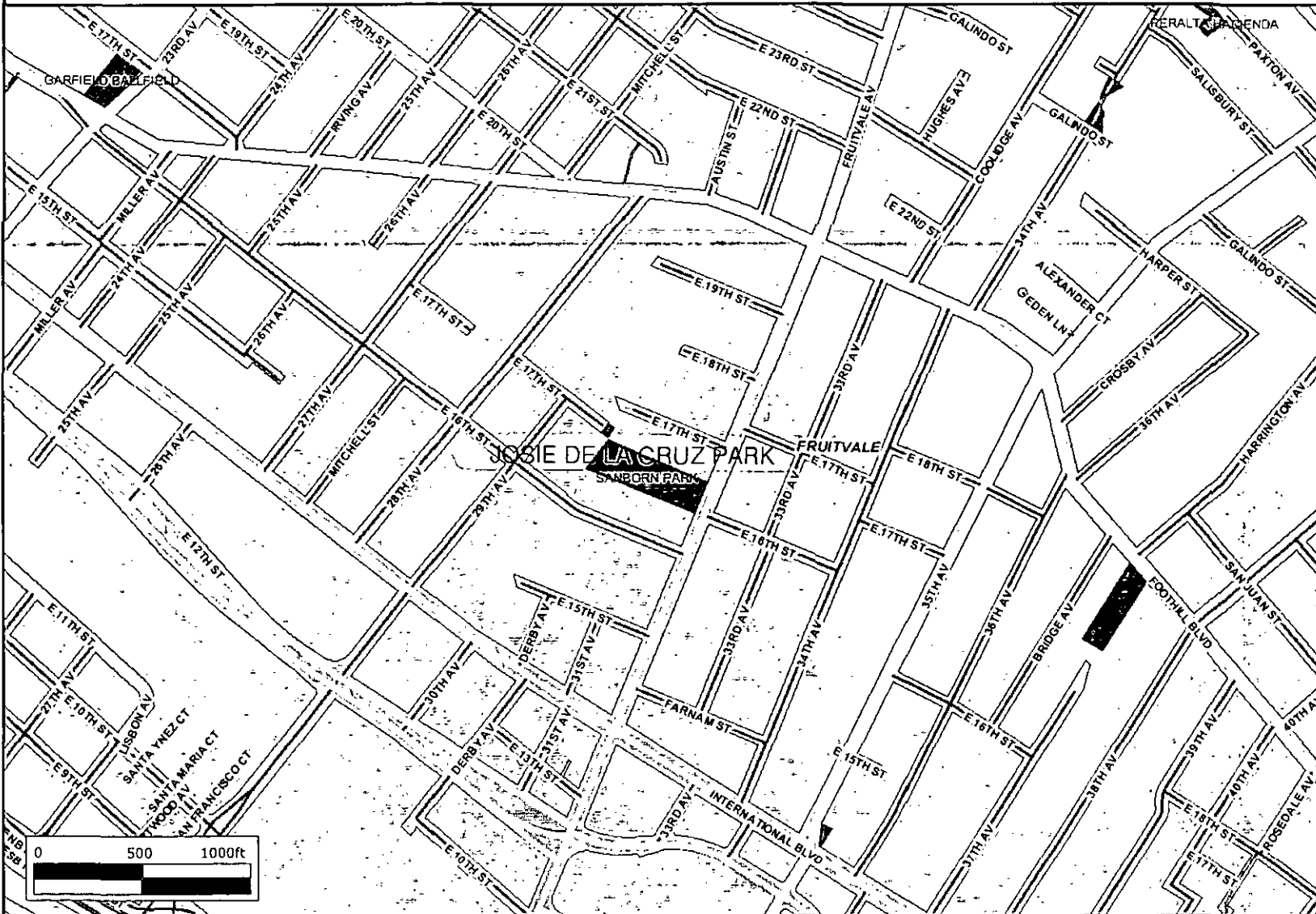


Office of the City Administrator

- Attachment A: Project Site Map
- Attachment B: Dept. of Contracting and Purchasing Canvass of Bids dated January 7, 2010 and S/LBE Analysis of Bids dated January 22, 2010
- Attachment C: Ray's Electric Inc., Past Performance Evaluation dated February 18, 2009

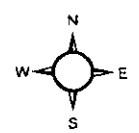
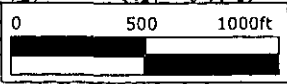
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Sanborn Park (Josie De La Cruz Park)



Legend

- City Limits
- Wildfire Assessment District
- Freeways
- Major Sts
- Streets
- Public ROW
- Water
- Oakland Parks
- Land



It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

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**CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION**

BID RESULTS

PROJECT NAME: Josie de la Cruz Park Improvements II

PROJECT NO: C329540

BID DATE: Thursday, December 17, 2009

ENGINEER'S ESTIMATE: \$154,000.00

BIDDER'S NAME	TOTAL BASE BID	CAMPAIGN CONTRIBUTION FORM SUBMITTED	BID SECURITY SUBMITTED	ADDENDUM(S) 1 & 2 Acknowledged Submitted	ALT BID 1 AMOUNT	ALT BID 2 AMOUNT	ALT BID 3 AMOUNT	ALT BID 4 AMOUNT	ALT BID 5 AMOUNT	ALT BID 6 AMOUNT	ALT BID 7 AMOUNT
Beliveau Engineering	\$250,000.00	Yes	Yes	Yes	\$10,000.00	\$60,000.00	\$50,000.00	\$18,000.00	\$7,000.00	\$11,000.00	\$38,000.00
Bay Construction	234,000.00	Yes	Yes	Yes/No	9,000.00	53,000.00	30,000.00	7,600.00	9,000.00	10,000.00	4,000.00
McGuire & Hester	230,500.00	Yes	Yes	Yes	8,435.00	50,170.00	34,000.00	14,450.00	9,655.00	1,715.00	19,930.00
Ray's Electric	171,800.00	Yes	Yes	Yes	13,500.00	43,600.00	27,900.00	12,900.00	4,800.00	2,800.00	10,000.00

Approved for Distribution: *Gwen McCormick*

Date: 1-7-2010

Comments:

1. Bay Construction acknowledged and submitted Addendum 1, but not Addendum 2, and is deemed non-responsive. All other bidders are deemed responsive and responsible.



Memo

Department of Contracting and Purchasing

Social Equity Division

To: Denise Louie - Project Manager
From: Sophany Hang - Acting Contract Compliance Officer
Through: Deborah Barnes - DC & P Director
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
CC: Gwen McCormick - Contract Administrator Supervisor
Date: January 22, 2010
Re: C329540- Josie De La Cruz Park-II

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project. This review does not include Bid Alternates Nos. 1-7.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ray's Electric	\$171,800	54.41%	0%	54.41%	100%	54.41%	5%	\$163,210	0%	Y
Beliveau Engineering Contractors	\$250,000	60.40%	0%	60.40%	100%	60.40%	5%	\$237,500	1%	Y

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

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire and Hester	\$230,000	0%	0%	0%	0%	0%	0%	\$0	0%	N
Bay Construction Company	\$234,000	50.52%	0%	50.52%	100%	0%	0%	\$0	0%	Y



Comments: As noted above, McGuire and Hester deemed non-responsive. The Subcontractor, Supplier, Trucking listing (Schedule R) dollar amounts exceeds the firm's total base bid. Therefore compliance can not be determined.

Bay Construction achieved 50.52% L/SLBE participation. However, the firm was deemed non-responsive by contract administration for failure to acknowledge or submit addendum number 2.

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: Ray's Electric
Project Name: 11th Street Sidewalk Improvement Between Clay and Broadway
Project No. C00800

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	NA
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 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
648.5	0	50%	324.5	100%	1070	0	0	100%	63.5	15%	97.3	0

Comments: Ray's Electric exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 63.5 on-site hours and 33.8 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3970.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C329540

PROJECT NAME: Josie De La Cruz Park-II

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u> \$154,000	<u>Contractors' Bid Amount</u> \$171,800	<u>Over/Under Engineer's Estimate</u> (\$17,800)
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<u>Discounted Bid Amount:</u> \$163,210	<u>Amount of Bid Discount</u> \$8,590	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **54.41%**
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%**
5. Additional Comments.

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

1/22/2010

Date

**Reviewing
Officer:**

Stephen Hung

Date: 1/22/10

Approved By:

Shelley Orenburg

Date: 1/22/10

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Josie De La Cruz Park-II

Project No.: C324540		Engineers Est: 154,000				Under/Over Engineers Estimate: -17,800				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 Electrical Panel Light Control	Ray's Electric	Oakland	CB		65,470	65,470			65,470	C		
	Tesco Control, Inc.	Sacramento	UB						7,680	NL		
Trucking Pathway Lights	Williams Trucking	Oakland	CB		1,360	1,360	1,360	1,360	1,360	AA	1,360	
		Livermore	UB						22,940	O		
Musco Pole & Lights	Musco Ligating	Cameron Park	UB						39,700	NL		
Irrigation & Landscaping	Ramos Happy Yard Landscaping	Oakland	CB		26,650	26,650			26,650	H	26,650	
Fencing	Bailey Fence Co.	Hayward	UB						8,000	NL		
Project Totals				\$0	\$93,480	\$93,480	\$1,360	\$1,360	\$171,800		\$1,360	\$0
				0%	54.41%	54.41%	100%	100%	100%		1%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: **Josie De La Cruz Park-II**

Project No.: C324540		Engineers Est: 154,000			Under/Over Engineers Estimate: -96,000					For Tracking Only			
Discipline		Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
Prime	Beliveau Engineering Contractors, Inc.	Oakland	CB		146,000	146,000			146,000	C			
Trucking	Williams Trucking	Oakland	CB		5,000	5,000	5,000	5,000	5,000	AA	5,000		
Electrical	Phoenix Electric Co.	San Francisco	UB						99,000	AP	99,000		
Project Totals				\$0	\$151,000	\$151,000	\$5,000	\$5,000	\$250,000		\$104,000	\$0	
				0%	60.40%	60.40%	100%	100%	100%		41.60%	0%	
Requirements: The 23% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C324540

PROJECT NAME: Josie De La Cruz Park-II

CONTRACTOR: McGuire and Hester

Engineer's Estimate:
\$154,000

Contractors' Bid Amount
\$231,962

Over/Under Engineer's Estimate
(\$77,962)

Discounted Bid Amount:
\$0

Amount of Bid Discount
\$0

Discount Points:
0%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **NO**
 - b) % of LBE participation **23.61%**
 - c) % of SLBE participation **2.67%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0%**
- 5. Additional Comments.

McGuire and Hester is deemed non-responsive. The Subcontractor, Supplier, Trucking listing (Schedule R) exceeds the firm's base bid amount. Therefore compliance can not be determined.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
1/22/2010
Date

**Reviewing
Officer:**

Stephen Harg

Date:

1/22/10

Approved By

Shelley Darenshing

Date:

1/22/10

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Josie De La Cruz Park-II

Project No.: C324540		Engineers Est: 154,000				Under/Over Engineers Estimate: -77,962				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	McGuire and Hester	Oakland	CB							C		
Basketball hoops	L.A. Steekroft	Pasadena	UB						3,923	C		
Irrigation	John Deere Landscape	Pacheco	UB						3,200	C		
Concrete	Cemex	Oakland	UB						6,500	C		
Trucking	S & S Trucking	Oakland	CB		6,200	6,200	6,200	6,200	6,200	H	6,200	
Asphalt Surfacing	Bond Blacktop	Union City	UB						1,617	C		
Electrical	Columbia Electric	San Leandro	UB						149,070	C		
Fencing	Pisor Fence	Citrus Heights	UB						6,680	C		
Landscape	RMT Landscape	Oakland	CB	54,772		54,772			54,772	H	54,772	
Project Totals				\$54,772	\$6,200	\$60,972	\$6,200	\$6,200	\$231,962		\$60,972	\$0
				23.61%	2.67%	26.29%	100%	100%	100%		26.29%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C324540

PROJECT NAME: Josie De La Cruz Park-II

CONTRACTOR: Bay Construction Co.

Engineer's Estimate: \$154,000	Contractors' Bid Amount \$234,000	Over/Under Engineer's Estimate -\$80,000
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Discounted Bid Amount: \$0	Amount of Bid Discount \$0	Discount Points: 0%
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- 1. Did the 20% requirements apply? **YES**

- 2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **50.52%**

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

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

- 5. Additional Comments.

Bay Construction Company achieved 50.52% L/SLBE participation. However, the firm was deemed non-responsive by contract administration for failure to acknowledge or submit addendum number 2.

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

1/22/2010
Date

Reviewing Officer: *Stephan Hung* **Date:** 1/22/10

Approved By: *Shelley Darenburg* **Date:** 1/22/10

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: Josie De La Cruz Park-II

Project No.: C324540		Engineers Est: 154,000				Under/Over Engineers Estimate: -80,000				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	Bay Construction Co.	Oakland	CB		116,220	116,220			116,220	AP	116,220	
Coating	Deek Around/NC	Napa	UB						10,000	NL		
Asphalt Paving	Sansome	San Leandro	UB						12,500	NL		
Electrical	Columbia Electric	San Leandro	UB						93,280	NL		
Trucking	Williams Trucking	Oakland	CB		2,000	2,000	2,000	2,000	2,000	AA	2,000	
Project Totals				\$0	\$118,220	\$118,220	\$2,000	\$2,000	\$234,000		\$118,220	\$0
				0.00%	50.52%	50.52%	100%	100%	100%		50.52%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An LBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				

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

Project Number/Title: G305010 – Safe Routes to School – Cycle 6

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: July 21, 2008

Date of Notice of Completion: February 18, 2009

Date of Notice of Final Completion: February 18, 2009

Contract Amount: \$339,433.00

Evaluator Name and Title: Henry Choi – 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.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

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

FINANCIAL

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

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"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

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.

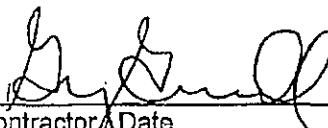
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


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

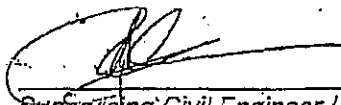
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 2/28/09
Contractor / Date

 02/18/09
Resident Engineer / Date

 2/18/09
Supervising Civil Engineer / Date

WORK PERFORMANCE

1a – Contractor was pro-active at a couple of the bulb-out locations when the elevations of the plans did not match the field conditions to work with the designers to correct the plans to build bulb-outs that would not create ponding.

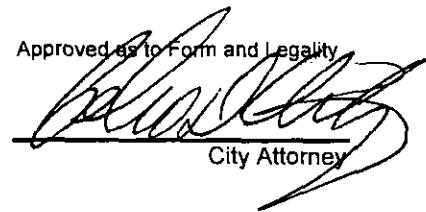
ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 FEB 25 AM 9:39

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION : 1) AWARDDING A CONTRACT TO THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, RAY'S ELECTRIC, INC., FOR THE BASE BID AMOUNT OF ONE HUNDRED SEVENTY-ONE THOUSAND EIGHT HUNDRED DOLLARS (\$171,800.00) FOR THE CONSTRUCTION OF THE JOSIE DE LA CRUZ PARK PHASE 2 IMPROVEMENT PROJECT (NO. C329540) IN ACCORD WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID; 2) ACCEPTING AND APPROPRIATING A GRANT FROM THE UNITY COUNCIL IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) FOR THE PROJECT; AND 3) AUTHORIZING AN INCREASE IN THE CONSTRUCTION CONTRACT UP TO A MAXIMUM OF TWO HUNDRED EIGHTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$287,300.00) TO IMPLEMENT ALL THE BID ALTERNATES AS ADDITIONAL FUNDS BECOME AVAILABLE, WITHOUT RETURN TO COUNCIL

WHEREAS, four bids were received by the Office of the City Clerk on December 17, 2009, for the Josie De La Cruz Park Phase 2 Improvement Project; and

WHEREAS, two bids were deemed non-responsive for failing to meet the bid submittal requirements; and

WHEREAS, Ray's Electric, Inc., a certified small local business, is the lowest responsible, responsive bidder; and

WHEREAS, funds of \$171,800.00 for the Josie De La Cruz Park Phase 2 Improvement construction contract are available in Redevelopment Agency Fund 7780, Project No. C329540, Capital Project Management Organization 92270; 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; and

WHEREAS, the Unity Council wishes to provide \$32,000.00 in grant funding toward the construction of the project; 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 Council: 1) Awards a contract to the lowest, responsible, responsive bidder, Ray's Electric, Inc., for the base bid amount of One Hundred Seventy-One Thousand Eight Hundred Dollars (\$171,800.00) for the construction of the Josie De La Cruz Park Phase 2 Improvement Project (No. C329540) in accord with plans and specifications for the Project and contractor's bid dated December 17, 2009; 2) accepts and appropriates a grant from the Unity Council in the amount of thirty-two thousand dollars (\$32,000.00) for the Project; and 3) Authorizes an increase in the construction contract up to a maximum of two hundred eighty-seven thousand three hundred dollars (\$287,300.00) to implement all the bid alternates as additional funds become available, without return to Council; 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 amount of the bond for faithful performance, \$171,800.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$171,800.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Josie De La Cruz Park Phase 2 Improvement project; 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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