

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2010 JUN 30 AM 10: 52

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: July 13, 2010

RE: **Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For The Restoration Of Slope And Fire Access Road Above North Oakland Sports Field (Project Number C400810) In Accord With Project Plans and Specifications and Contractors Bid Therefore, In The Amount Of Two Hundred Forty-Six Thousand Six Hundred Fifty-Five Dollars (\$246,655.00)**

### SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$246,655.00 to Beliveau Engineering Contractors, Inc. for the restoration of slope and repair of the fire access road above the North Oakland Sports Field (Project Number C400810). This contract will permanently restore the slope, fire access road, and the City's fire and domestic water services to the Sports Field, which were damaged in a 2009 landslide.

### FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract for \$246,655.00 to Beliveau Engineering Contractors, Inc., and includes change order authorization of 25% for decreases or increases over the contract price for changes in estimated materials and labor.

Funding for this project is available in the following sources of funds: Fund 5200 JPFA (Joint Powers Financing Authority) Capital Projects Series 2005, Streets and Structures Design Organization (92242), Construction Account (57411), Project C400810 (\$146,655.00); Fund 5510 Capital Reserve Fund, Streets and Structures Design Organization (92242), Construction Account (57411), Project C400820 (\$100,000.00). The project will provide new water services, restore the fire access road, and stabilize the slope at the City's North Oakland Sports Field. Operations and maintenance costs are not expected to rise upon completion of this project, and should decrease with a more dependable supply of water.

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

## BACKGROUND

In March 2009, a landslide occurred over a steep slope in an open space above North Oakland Sports Field. The landslide ruptured the City's water lines to the Sports Field and caused a fire access road above the Sports Field to collapse. Water services to the fire hydrants, irrigation system, and the restrooms were interrupted. Soon after the incident, these services were temporarily restored. City staff completed full design, advertised for bid for the permanent restoration of the slope, stabilization of the fire access road and replacement of the fire and irrigation service lines in April 2010.

On May 13, 2010, the City Clerk received four bids for this project in the amounts of \$246,655.00, \$272,515.26, \$274,770.00, and \$460,018.70 as 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 \$280,000.00.

Under the proposed contract with Beliveau Engineering Contractors, Inc. LBE/SLBE participation of 100% exceeds the City's 20% LBE/SLBE requirement. The contractor shows 100% for local trucking which exceeds the 20% Local Trucking requirement. 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. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in *Attachment B*.

## KEY ISSUES AND IMPACTS

The project will permanently restore the slope, access road above the Sports Field, and water services to the fire hydrants, irrigation system, and restrooms. Restoration of the access road will provide the fire fighters with access to open space above the Sports Field. Restoration of the slope below the access road will stabilize the road and prevent eroded soil from entering the watercourses leading to Lake Temescal. Construction is scheduled to begin with the notice to proceed expected in August 2010 and should be completed by November 2010.

## PROJECT DESCRIPTION

In general, the project will restore permanent water services and stabilize the fire access road and slope above the Sports Field. The work consists of excavation and disposal of unsuitable material, installation of geogrid reinforcement, installation of geotextile fabric with engineered fill, compacted roadway base material, installation of six-inch fire and four-inch domestic water lines, and other work specifically shown on the project plans and specifications.

## EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Beliveau Engineering Contractors, Inc. from a previously completed project is included in *Attachment C*.

Item: \_\_\_\_\_  
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July 13, 2010

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** 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 local dollars being spent locally.

**Environmental:** The restoration of the slope and access roadway will prevent eroded materials from entering the water courses near the Sports Field leading to Lake Temescal. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

**Social Equity:** This project will restore the fire access road above North Oakland Sports Field and water services to the restrooms, fire hydrants, and irrigation system, thereby benefiting all Oakland residents.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The project has no direct impact or benefit to senior citizens and people with disabilities.

**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to Beliveau Engineering Contractors, Inc., the lowest responsive responsible bidder, in the amount of \$246,655.00 for the restoration of the slope and fire access road above North Oakland Sports Field (Project Number C400810). Beliveau Engineering Contractors, Inc. has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Vitaly B. Troyan, P.E., Interim Director,  
Public Works Agency

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

Prepared by:  
Lesley Estes, Watershed Program Supervisor  
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010



Attachment B



# Memo

## Department of Contracting and Purchasing

Social Equity Division

**To:** Kevin Kashi - Project Manager  
**From:** Sophany Hang - Acting Contract Compliance Officer  
**Through:** Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*  
**CC:** Gwen McCormick - Contract Administration Supervisor  
 Deborah Barnes - DC & P Director  
**Date:** June 1, 2010  
**Re:** C375910--Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

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.

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		
Beliveau Engineering Contractors, Inc.	\$246,655	98.78%	4.05%	94.73%	100%	98.78%	5%	\$234,322.25	2%	Y
Andes Construction	\$274,770	100%	0%	100%	100%	100%	5%	261,031.50	2%	Y
Bay Construction	\$460,018.70	100%	0%	100%	100%	100%	5%	\$437,017.77	2%	Y

**Comments:** As noted above, Beliveau Engineering Contractors, Andes Construction, and Bay Construction exceeded the minimum 20% Local/Small Local Business Enterprise 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		
Siteworks Construction, Inc.	\$272,515	1.47%	0%	1.47%	100%	0%	0%	\$0	0%	N

**Comments:** As noted above, Siteworks Construction, Inc. did not meet the minimum 20% L/SLBE 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: C99581**

**Date: 5/12/2010**

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

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

**15% Oakland Apprenticeship Program**

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

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

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



DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C375910

PROJECT NAME: Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$280,000.00	<u>Contractors' Bid Amount</u> \$246,655.00	<u>Over/Under Engineer's Estimate</u> \$33,345.00
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<u>Discounted Bid Amount:</u> \$234,322.25	<u>Amount of Bid Discount</u> \$12,332.75	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO  
b) % of LBE participation 4.05%  
c) % of SLBE participation 94.73%
3. Did the contractor meet the Trucking requirement? NO  
a) Total SLBE/LBE trucking participation 0%
4. Did the contractor receive bid discounts? NO  
(if yes, list the percentage received) 0%
5. Additional Comments.

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

6/1/2010  
Date

Reviewing  
Officer:

Vivian Jarama

Date:

6/1/10

Approved By:

Shelley Qarensburg

Date:

6/1/10

# LBE/SLBE PARTICIPATION

## BIDDER 1

Project Name: Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

Project No.: C375910		Engineers Est: \$280,000				Under/Over Engineers Estimate: \$33,345				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	Beliveau Engineering Contractors, Inc.	Oakland	CB		218,655	218,655			218,655	C		
Trucking	Williams Trucking	Oakland	CB		15,000	15,000	15,000	15,000	15,000	AA	15,000	
Rock/Sand Supply	Aman Environmental	Oakland	CB	10,000		10,000			10,000	C		
Hydroseeding	Freedlun Hydroseeding	Vacaville	UB						3,000	C		
<b>Project Totals</b>				\$10,000	\$233,655	\$243,655	\$15,000	\$15,000	246,655.00		\$15,000	\$0
				4.05%	94.73%	98.78%	0%	0%	100%		6.08%	0%
<b>Requirements:</b> 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			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				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.:** C375910

**PROJECT NAME:** Restoration of North Oakland Sports Field Access Road near East Bay  
Municipal District Swainland Reservoir

**CONTRACTOR:** Andes Construction

<b><u>Engineer's Estimate:</u></b> \$280,000	<b><u>Contractors' Bid Amount</u></b> \$274,770	<b><u>Over/Under Engineer's Estimate</u></b> \$5,230
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<b><u>Discounted Bid Amount:</u></b> \$261,031.50	<b><u>Amount of Bid Discount</u></b> \$13,738.50	<b><u>Discount Points:</u></b> 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 **0.00%**
  - c) % of SLBE participation **100%**
  
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.

6/1/2010

Date

**Reviewing  
Officer:**

Vivian Jam

**Date:**

6/1/10

**Approved By**

Shelley Darendburg

**Date:**

6/1/10

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

Project No.: C375910		Engineers Est: \$280,000.00				Under/Over Engineers Estimate: \$5,230.00				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	Andes Construction	Oakland	CB		269,770	269,770			269,770	H	269,770	
	Irvin Trucking	Oakland	CB		5,000	5,000	5,000	5,000	5,000	AA	5,000	
<b>Project Totals</b>				\$0	\$274,770	\$274,770	\$5,000	\$5,000	\$274,770		\$274,770	\$0
				0.00%	100.00%	100.00%	100%	100%	100%		100.00%	0%
<b>Requirements:</b> 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			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				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.:** C375910

**PROJECT NAME:** Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

**CONTRACTOR:** Bay Construcion

<b><u>Engineer's Estimate:</u></b> \$280,000	<b><u>Contractors' Bid Amount</u></b> \$460,018.70	<b><u>Over/Under Engineer's Estimate</u></b> (\$180,019)
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<b><u>Discounted Bid Amount:</u></b> \$437,017.77	<b><u>Amount of Bid Discount</u></b> \$23,000.94	<b><u>Discount Points:</u></b> 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 **100%**
  
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. **6/1/2010**

**Reviewing Officer:**

Vivian J. [Signature]

**Date:**

6/1/10

**Approved By**

Shelley Darenburg

**Date:**

6/1/10

## LBE/SLBE PARTICIPATION BIDDER 4

Project Name: Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

Project No.: C375910		Engineers Est: \$280,000.00				Under/Over Engineers Estimate: -\$180,018.70				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	Bay Construcion	Oakland	CB		450,018.70	450,018.70			445,518.70	AP	445,518.70	
	Williams Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	AA	10,000	
Hydro Seeding	Superior Hydroseeding	Watsonville, CA	UB						4,500.00	NL		
<b>Project Totals</b>				\$0	\$460,019	\$460,019	\$10,000	\$10,000	460,018.70		\$455,518.70	\$0
				0%	100%	100%	100%	100%	100%		99%	0%
<b>Requirements:</b> 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			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division  
PROJECT EVALUATION FORM**

**PROJECT NO.:** C375910

**PROJECT NAME:** Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

**CONTRACTOR:** Siteworks Construction, Inc.

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$280,000	\$272,515.26	\$7,485

<b>Discounted Bid Amount:</b>	<b>Amount of Bid Discount</b>	<b>Discount Points:</b>
\$0.00	\$0.00	0%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **NO**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **1.47%**
- 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.

**Bidder failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.**

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

6/1/2010

Date

**Reviewing  
Officer:**

Vivian Juma

**Date:**

6/1/10

**Approved By:**

Shelley Qarenburg

**Date:**

6/1/10

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Restoration of North Oakland Sports Field Access Road near East Bay Municipal District Swainland Reservoir

Project No.: C375910		Engineers Est: \$280,000.00				Under/Over Engineers Estimate: \$7,484.74				For Tracking Only		
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 Sawcutting Trucking Fused Pipe	Siteworks Construction, Inc.	Lafayette	UB						199,015.26	C		
	Bayline	Oakland	UB						1,500	H	1,500	
	Williams Trucking	Oakland	CB		4,000	4,000	4,000	4,000	4,000	AA	4,000	
	HC/AC Plumbing	Oakland	UB						68,000	C		
<b>Project Totals</b>				\$0	\$4,000	\$4,000	\$4,000	\$4,000	\$272,515.26		\$5,500	\$0
				0%	1.47%	1.47%	100%	100%	100%		2%	0%
<b>Requirements:</b> 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			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				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

LETTER OF TRANSMITTAL

**CITY OF OAKLAND**

TO: Contract Administration  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE: 8/27/08	PROJECT NO: C99581
ATTENTION: Gwen McCormick	
RE: Contractor Performance Evaluation	
PROJECT: Emergency Construction of Perm. Imp. Restoring Washout Near 2333 Tunnel Rd.	

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings     Prints     Plans     Specifications     Samples

Copy Letter     Change Order     Payment Request

COPIES	DATE	NO.	DESCRIPTION
Original	8/27/08		Contractor Performance Evaluation

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE \_\_\_\_\_
- Approved as submitted
- Approved as note
- Returned for correction
- \_\_\_\_\_
- Resubmit \_\_\_\_\_ copies for approval
- Submit \_\_\_\_\_ copies for approval
- Return \_\_\_\_\_ corrected print
- PRINTS RETURNED AFTER LOAN TO US

REMARKS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

COPY TO: Chin, Johnathan  
Kashi, Kevin

BY: Ofelia Mora

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

Project Number/Title: C99581  
Work Order Number (if applicable): \_\_\_\_\_  
Contractor: BELIVEAU ENGINEERING  
Date of Notice to Proceed: JANUARY 30, 2008  
Date of Notice of Completion: MARCH 11, 2008  
Date of Notice of Final Completion: MARCH 11, 2008  
Contract Amount: \$ 371,065.00  
Evaluator Name and Title: JOHN CHIN, ASSISTANT ENG.

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <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 checked="" 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"/>	

**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"/>	

**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 checked="" type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**COMMUNICATION**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.					
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 type="checkbox"/>	<input checked="" 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 = 0.50
2. Enter Overall score from Question 13     2     X 0.25 = 0.50
3. Enter Overall score from Question 18     2     X 0.20 = 0.40
4. Enter Overall score from Question 22     2     X 0.15 = 0.30
5. Enter Overall score from Question 28     2     X 0.15 = 0.30

TOTAL SCORE (Sum of 1 through 5):     2.0

OVERALL RATING:     2.0

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

### PROCEDURE:

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

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

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

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

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

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

**COMMUNICATING THE EVALUATION:** *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

\_\_\_\_\_  
Contractor / Date

John Chin / 8/22/08  
Resident Engineer / Date

Amy Pledin 8/27/08  
Supervising Civil Engineer / Date

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

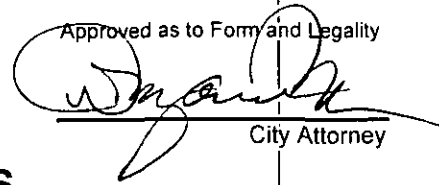
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

N/A

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 JUN 30 AM 10:52

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

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR THE RESTORATION OF SLOPE AND FIRE ACCESS ROAD ABOVE NORTH OAKLAND SPORTS FIELD (PROJECT NUMBER C400810) IN ACCORD WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTORS BID THEREFORE, IN THE AMOUNT OF TWO HUNDRED FORTY-SIX THOUSAND SIX HUNDRED FIFTY-FIVE DOLLARS (\$246,655.00)**

**WHEREAS**, on May 13, 2010, the City Clerk received four bids for the restoration of slope and fire access road above the North Oakland Sports Field (Project Number C400810); and

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

**WHEREAS**, there are sufficient funds in the project budget for the work and funding for this project is available in the following project accounts:

- Fund 5200 JPFA (Joint Powers Financing Authority) Capital Projects Series 2005, Streets and Structures Design Organization (92242), Construction Account (57411), Project C400810 (\$146,655.00),
- Fund 5510 Capital Reserve Fund, Streets and Structures Design Organization (92242), Construction Account (57411), Project C400820 (\$100,000.00); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Administrator has determined that the performance of this contract is in the public interest because of economy or better performance; and

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

**WHEREAS**, the City Administrator has determined that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the construction contract for the restoration of slope and fire access road above the North Oakland Sports Field (Project Number C400810) is awarded to Beliveau Engineering Contractors, Inc. in accordance with the plans and specifications for the project which includes change order authorization of 25% to decrease or increase the contract price to account for changes in estimated materials and labor, and the terms of contractors bid dated April 2010, in the amount of two hundred forty-six thousand six hundred fifty-five (\$246,655.00); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Assistant Director, PWA, Department of Engineering and Construction for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$246,655.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$246,655.00, with respect to such work are hereby approved; and be it

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

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

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

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

**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