



FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

SUBJECT: Pump Station Improvements

FROM: Brooke A. Levin
Director, Public Works

DATE: April 28, 2016

City Administrator Approval

Date:

6/1/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Bay Construction Co., The Lowest Responsive, Responsible Bidder, For Pump Station Improvements (Project No. C267630) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Two Million Twenty-Three Thousand Two Hundred Thirty-Two Dollars (\$2,023,232.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with Bay Construction Co. in the amount of \$2,023,232.00 for Sanitary Sewer Pump Station Improvements. The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program and is required under the 2014 Sewer Consent Decree. The work for this project is located in Council Districts 2, 4, and 6 as shown in **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

On April 7, 2016, the City Clerk received four bids for this project in the amounts of \$1,970,420.00, \$2,023,232.00, \$2,034,369.00 and \$2,364,633.00 as shown in **Attachment B**. The lowest bid failed to meet the minimum 50% Local/Small Local Business Enterprise (L/SLBE) participation requirement and was deemed non-responsive. Bay Construction Co., the second low bidder, meets the minimum 50% L/SLBE and is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$2,016,020.00. The project was bid first on February 11, 2016 and four bids were received but none was responsive. The project will provide an automatic alarm system, backup or redundant equipment, and will upgrade mechanical and electrical components of three existing sanitary sewer pumps. This project is part of the City's annual Sanitary Sewer Rehabilitation program intended to improve the sanitary sewer pump stations, and is required under the 2014 Sewer Consent Decree.

Item: _____
Public Works Committee
June 14, 2016

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will authorize the City Administrator or designee to execute a construction contract with Bay Construction Co. for the pump station improvements (Project No. C267630). Under the proposed contract with Bay Construction Co., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 60.71%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the 50% 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 C**.

Construction is scheduled to begin in August 2016 and should be completed by July 2017. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 240 working days. The project schedule is shown in **Attachment B**.

This project is part of the City's annual Sanitary Sewer Rehabilitation program intended to improve the sanitary pump stations, and is required under 2014 Sewer Consent Decree.

FISCAL IMPACT

Funding for this project is available in the Fiscal Year (FY) 2015-17 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Account 57417 Sewers, Project C267630. The cost of maintenance and operation is already budgeted in the Baseline Operating Budget, and is expected to decrease. The project goal is to improve pump station conditions, reduce maintenance cost, and help comply with regulation requirements.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Bay Construction Co. from a previously completed project is satisfactory and is included as **Attachment D**.

PUBLIC OUTREACH / INTEREST

The residents in the area have been notified in writing about this project. Prior to starting work, residents who are affected by the work will be notified individually of the work schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge.

COORDINATION

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

Item: _____
Public Works Committee
June 14, 2016

SUSTAINABLE OPPORTUNITIES

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

Environmental: Improving sanitary sewer pump stations will reduce the possibility of sanitary sewer overflows, thereby, benefiting the environment.

Social Equity: This project will improve three pump stations throughout the City, thereby, benefiting all Oakland residents with decreased sewer overflows and improved infrastructure.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Bay Construction Co., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For Pump Station Improvements (Project No. C267630) And With Contractor's Bid In The Amount Of Two Million Twenty-Three Thousand Two Hundred Thirty-Two Dollars (\$2,023,232.00).

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

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

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

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

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

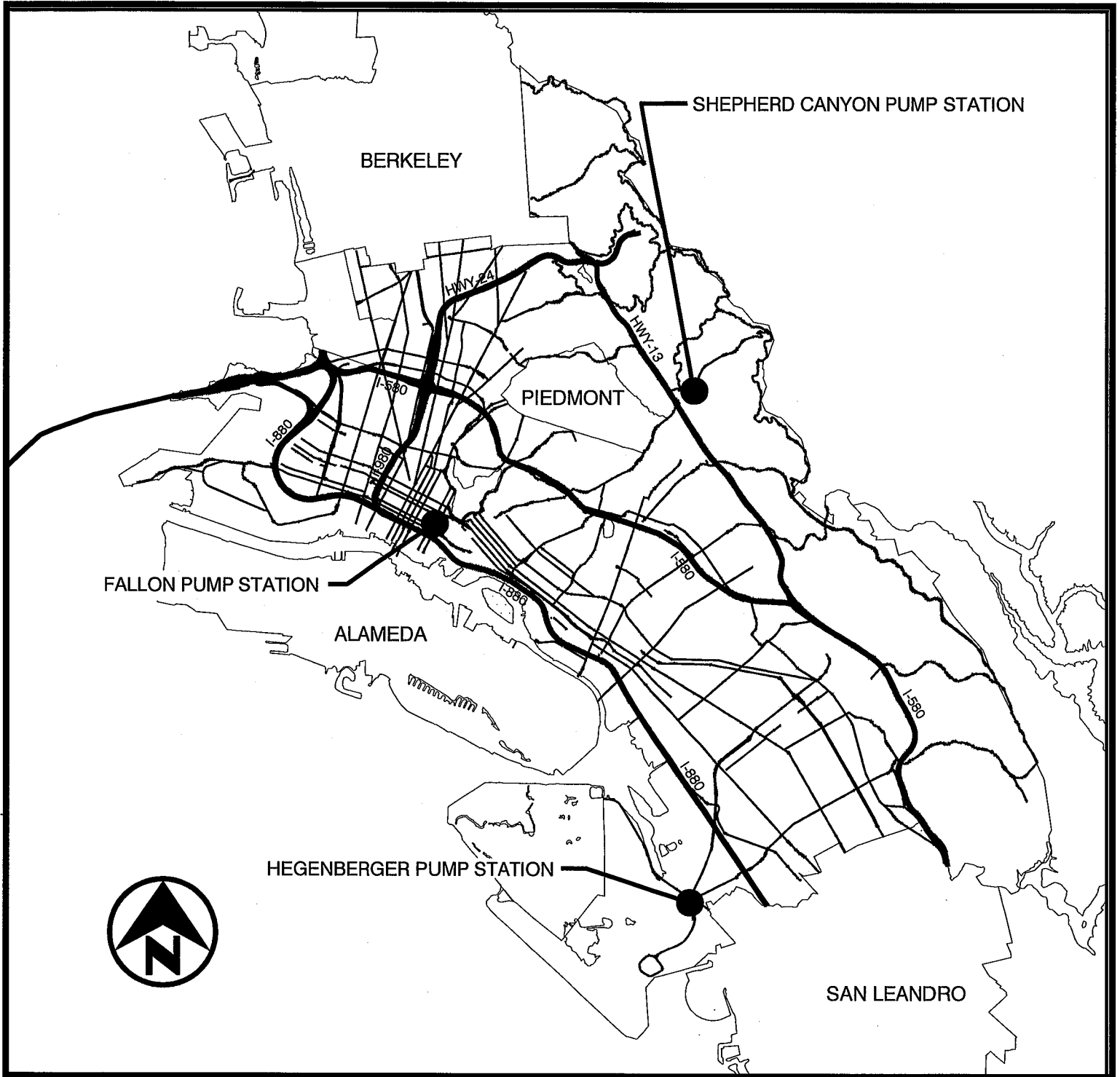
Attachments (4):

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

Item: _____
Public Works Committee
June 14, 2016

PLANS FOR
PUMP STATION IMPROVEMENTS

CITY PROJECT NO. C267630



LOCATION MAP

NOT TO SCALE

Attachment C

**Pump Station Improvements
(Project No. C267630)**

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: David Ng,
Civil Engineer

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

SUBJECT: Compliance Analysis
Pump Station Improvements
Project No. C267630

DATE: April 20, 2016

City Administrator's Office, Contracts and Compliance Unit reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$2,023,232	60.71%	0%	67.10%	0.00%	100.00%	69.71%	3%	\$1,962,535.04	Y
D-Line Constructors, Inc.	\$2,364,633	70.78% *140.33%	0%	1.23%	69.55%	100.00%	140.33%	5%	\$2,246,401.35	Y

**D-Line Constructors, Inc.'s proposed VSLBE/LPG participation value was 69.55%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for D-Line Constructors, Inc. is 140.33%.*

Comments: As noted above, firm met and/or exceeded the minimum 50% L/SLBE participation requirement. Firms are EBO compliant.

Non-Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts				EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	Adjusted Bid Amount	
McGuire & Hester	\$1,970,420	68.64%	56.21%	12.43%	0.00%	100.00%	0%	0%	0%	0%	Y
Valentine Corporation	\$2,034,369	43.50%	.74%	42.77%	0.00%	100.00%	0%	0%	0%	0%	Y

Comments: As noted above, McGuire and Hester and Valentine Corporation failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with the L/SLBE requirement.



For Informational Purposes

Listed below is the lowest responsive 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: Bay Construction

Project Name: Woodmister Theater ADA Improvement Upper Amphitheater

Project No. C274390

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

Total Project Hours	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		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
1625.5	0	50%	812.75	50%	812.75	0	0	100%	243.9	15%	243.9	0

Comments: Bay Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program.

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

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267630

RE:

Pump Station Improvements-Rebid

CONTRACTOR:

Bay Construction Co.

Engineer's Estimate: \$2,016,020.00	Contractors' Bid Amount \$2,023,232.00	Over/Under Engineer's Estimate (\$7,212.00)
Discounted Bid Amount: \$1,962,535.04	Amt. of Bid Discount \$60,696.96	Discount Points: 3.00%
1. Did the 50% local/small local requirement apply:		YES
2. Did the contractor meet the 50% requirement		YES
a) % of LBE participation	0.00%	
b) % of SLBE participation	60.71%	
c) % of VSLBE participation	0.00%	
		0.00%
3. Did the contractor meet the Trucking requirement?		YES
a) Total L/SLBE trucking participation	100.00%	
a) Total VSLBE trucking participation	0.00%	
4. Did the contractor receive bid discount points?		YES
(If yes, list the points received)	3%	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

4/20/2016

Reviewing Officer:

[Signature]

Date: 4/20/2016

Approved By:

[Signature: Shelley Dorensburg]

Date: 4/20/2016

LBE/SLBE Participation Bidder 2

Project Name: Pump Station Improvements-Rebid		Engineer's Estimate	2,016,020.00	Under/Over Engineers Estimate:	-7,212.00									
Project No.: C267630		LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE		
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Bay Construction Co.	Oakland	UB		1,070,908.00		1,070,908.00				1,070,908.00	AP	1,070,908.00	
Catholic Project	Exaro	Burlingame	UB								54,000.00	NL		
Pump & Piping	Pump Repair Service	SF	UB								108,747.00	NL		
Westwell Coating	H & R Plumbing & Drain Cleaning	EI Sobrante	UB								47,831.00	NL		
SWPPP	Venux	Sacramento	UB								10,110.00	NL		
Fencing	All Steel Fence Inc.	Lathrop	UB								38,049.00	NL		
Electrical	Beci Electric, Inc.	Oakland	CB		147,082.00		147,082.00				147,082.00	C		147,082.00
Trucking	All City Trucking	Oakland	CB		10,400.00		10,400.00		10,400.00	10,400.00	10,400.00	AI	10,400.00	
Pump/Supplier	Shape Inc.	Pleasanton	UB								372,612.00	NL		
Piping	Groeniger	Hayward	UB								20,169.00	NL		
Westwellvaults & Hatches	Old Castle Precast	Pleasanton	UB								83,417.00	NL		
supplier	Hertz Pump & Power	Oakland	UB								36,907.00	NL		
Pump Rental	United Rentals	Hayward	UB								23,000.00	NL		
Shoring														
Rental														
Project Totals				0.00 0.00%	1,228,390.00 60.71%	0.00 0.00%	1,228,390.00 60.71%	0.00 0.00%	10,400.00 0.00%	10,400.00 0.00%	2,023,232.00 100.00%	1,081,308.00 53.44%	147,082.00 7.27%	
<p>Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.</p>														
<p>Legend</p> <p>LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise</p> <p>UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise</p> <p>Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed</p>														

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267630

RE: Pump Station Improvements-Rebid

CONTRACTOR: McGuire & Hester

Engineer's Estimate: \$2,016,020.00	Contractors' Bid Amount \$1,970,420.00	Over/Under Engineer's Estimate \$45,600.00
Discounted Bid Amount: \$1,970,420.00	Amt. of Bid Discount \$0.00	Discount Points: 0.00%
1. Did the 50% local/small local requirement apply:		YES
2. Did the contractor meet the 50% requirement		NO
a) % of LBE participation 56.21%		
b) % of SLBE participation 12.43%		
c) % of VSLBE participation 0.00%		0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		YES
a) Total L/SLBE trucking participation 100.00%		
a) Total VSLBE trucking participation 0.00%		
4. Did the contractor receive bid discount points?		NO
(If yes, list the points received) 0%		
5. Additional Comments. Firm failed to meet the minimum 25% SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement.		

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

4/20/2016

Date

Reviewing Officer:

Date: 4/20/2016

Approved By:

Date: 4/20/2016

LBE/SLBE Participation Bidder 1

Project Name: Pump Station Improvements-Rebid		Under/Over Engineers Estimate: 45,600.00												
Project No.: C267630		Engineer's Estimate 2,016,020.00												
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	SLBE Truckin (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	1,107,520			1,107,520				1,107,520	C		
Shoring	United Rentals	Hayward	UB								9,000	NL		
Pipe Materials	Ferguson Waterworks	Hayward	UB								70,000	NL		
Precast	Precon	Suisun	UB								75,000	NL		
Pump Supplier	Shape Inc.	Pleasanton	UB								367,000	NL		
Electrical	Beci Electric	Oakland	CB		225,000		225,000				225,000	C		225,000
Fencing	All-Steel	Lathrop	UB								38,000	NL		
Coatings	Mason	Orangevale	UB								58,900	NL		
Trucking	AIT City Trucking	Oakland	CB		20,000		20,000		20,000	20,000	20,000	AI	20,000	
Project Totals				1,107,520 56.21%	245,000 12.43%	0 0.00%	1,352,520 68.64%	0 0.00%	20,000 0.00%	20,000 0.00%	1,970,420 100.00%		20,000 1.02%	225,000 11.42%

Requirements:
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and AVSLBE/LPP firm can be counted double towards achieving the 50% requirement.

Legend

LBE = Local Business Enterprise
 SLBE = Small Local Business Enterprise
 VSLBE = Very Small Local Business Enterprise
 LPG = Locally Produced Goods
 Total LBE/SLBE = All Certified Local and Small Local Businesses
 NPLBE = NonProfit Local Business Enterprise
 NPSLBE = NonProfit Small Local Business Enterprise

UB = Uncertified Business
 CB = Certified Business
 MBE = Minority Business Enterprise
 WBE = Women Business Enterprise

Ethnicity
 AA = African American
 A = Asian
 AI = Asian Indian
 AP = Asian Pacific
 C = Caucasian
 AP - Asian Pacific
 H = Hispanic
 NA = Native American
 O = Other
 NL = Not Listed

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. **C267630**

RE: **Pump Station Improvements-Rebid**

CONTRACTOR: Valentine Corporation

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,016,020.00	\$2,034,369.00	(\$18,349.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$2,034,369.00	\$0.00	0.00%
1. Did the 50% local/small local requirement apply:		YES
2. Did the contractor meet the 50% requirement		NO
a) % of LBE participation	<u>0.74%</u>	
b) % of SLBE participation	<u>42.77%</u>	
c) % of VSLBE participation	<u>0.00%</u>	
		0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		YES
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		NO
(If yes, list the points received)	<u>0%</u>	
5. Additional Comments:		
Firm failed to meet the minimum 50% L/SLBE. Therefore, they are non-compliant to L/SLBE requirement.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

4/20/2016
Date

Reviewing Officer:

Date: 4/20/2016

Approved By:

Date: 4/20/2016

LBE/SLBE Participation Bidder 3

Project Name:		Pump Station Improvements-Redid																												
Project No.:		C267630		Engineer's Estimate		2,016,020.00		Under/Over Engineers Estimate:		-18,349.00																				
Discipline	Prime & Subs	Location	Cert	LBE	SLBE	*VSLBE/PLPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE																
PRIME Sheet Pile Shoring	Valentine Corporation	San Rafael	UB								811,180.00	C																		
	MA McLish Excavating North American Fence & Rail	Santa Rosa	UB								93,000.00	C																		
	Fence Painting and Coating	Oakland	CB		58,000.00		58,000.00				58,000.00	C																		
	Mason Paint	Orangevale	UB								58,189.00	C																		
	All City Trucking	Oakland	CB		25,000.00		25,000.00		25,000.00	25,000.00	25,000.00	AI	25,000.00																	
	Hertz Pump & Power	Oakland	UB								135,000.00	NL																		
	Bed Electric	Oakland	CB		787,000.00		787,000.00				787,000.00	C		787,000.00																
	EXARO Technologies	Burlingame	UB								52,000.00	C																		
	Level Construction	Oakland	CB		15,000.00		15,000.00				15,000.00	C																		
Project Totals				15,000.00	870,000.00	0.00%	885,000.00	0.00%	25,000.00	25,000.00	2,034,369.00																			
				0.74%	42.77%	0.00%	43.50%	0.00%	100.00%	100.00%	100.00%																			
Requirements:				The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/PLPG firm can be counted double towards achieving the 50% requirement.																										
				<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Ethnicity</td> <td>MA = African American</td> <td>25,000.00</td> <td>787,000.00</td> </tr> <tr> <td></td> <td>A = Asian</td> <td>1,239</td> <td>38.69%</td> </tr> <tr> <td></td> <td>AI = Asian Indian</td> <td></td> <td></td> </tr> <tr> <td></td> <td>AP = Asian Pacific</td> <td></td> <td></td> </tr> </table>											Ethnicity	MA = African American	25,000.00	787,000.00		A = Asian	1,239	38.69%		AI = Asian Indian				AP = Asian Pacific		
Ethnicity	MA = African American	25,000.00	787,000.00																											
	A = Asian	1,239	38.69%																											
	AI = Asian Indian																													
	AP = Asian Pacific																													

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267630

RE:

Pump Station Improvements-Rebid

CONTRACTOR:

D-Line Constructors, Inc.

Engineer's Estimate:
\$2,016,020.00

Contractors' Bid Amount
\$2,364,633.00

Over/Under Engineer's Estimate
(\$348,613.00)

Discounted Bid Amount:
\$2,246,401.35

Amt. of Bid Discount
\$118,231.65

Discount Points:
5.00%

1. Did the 50% local/small local requirement apply:

YES

2. Did the contractor meet the 50% requirement

YES

a) % of LBE participation 1.23%

b) % of SLBE participation _____

c) % of VSLBE participation 69.55%

139.10%

(double counted value)

3. Did the contractor meet the Trucking requirement?

YES

a) Total L/SLBE trucking participation 100.00%

a) Total VSLBE trucking participation 0.00%

4. Did the contractor receive bid discount points?

YES

(If yes, list the points received) 5%

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 69.55%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 139.10%.

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

4/20/2016

Date:

Reviewing Officer:

Date: 4/20/2016

Approved By:

Date: 4/20/2016

LBE/SLBE Participation Bidder 4

Project Name:		Pump Station Improvements-Rebid C267630		Engineer's Estimate		2,016,020.00		Under/Over Engineers Estimate:		-348,613.00			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	%VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	D-Line Constructors, Inc.	Oakland	CB			1,644,610.00	1,644,610.00			1,644,610.00	H	1,644,610.00	
Cathodic	Corpro	Hayward	UB							64,269.00	NL		
Manhole Rehab	H & R Plumbing	El Sobramte	UB							49,331.00	NL		
Pump Rental	Hertz Pump & Power	Oakland	UB							47,200.00	NL		
Pump Install	Pump Repair Service	SF	UB							108,747.00	NL		
Electrical	DW Nicholson	Hayward	UB							280,850.00	NL		
Trucking	S & S Trucking	Oakland	CB		29,000.00		29,000.00		29,000.00	29,000.00	H	29,000.00	
Shoring	Blue Iron Inc.	W. Sacramento	UB							99,000.00	NL		
Fencing	All Steel Fence	Lathrop	UB							41,626.00	NL		
Project Totals													
				0.00%	29,000.00	1,644,610.00	1,673,610.00	0.00	29,000.00	2,364,633.00		1,673,610.00	0.00
				0.00%	1.23%	69.55%	70.78%	0.00%	100.00%	100.00%		70.78%	0.00%
Requirements:											Ethnicity		
The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.											AA = African American		
											A = Asian		
											AI = Asian Indian		
											AP = Asian Pacific		
											C = Caucasian		
											AP = Asian Pacific		
											H = Hispanic		
											NA = Native American		
											O = Other		
											NL = Not Listed		
Legend													
LBE = Local Business Enterprise											UB = Uncertified Business		
SLBE = Small Local Business Enterprise											CB = Certified Business		
VSLBE = Very Small Local Business Enterprise											MBE = Minority Business Enterprise		
LPG = Locally Produced Goods											WBE = Woman Business Enterprise		
Total LBE/SLBE = All Certified Local and Small Local Businesses													
NPLBE = NonProfit Local Business Enterprise													
NPSLBE = NonProfit Small Local Business Enterprise													

** Proposed VSLBE/LPG participation is valued at 69.55%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

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

Project Number/Title: C464610-Tassafaronga Recreation Center Interior Remodel

Work Order Number (if applicable): _____

Contractor: Bay Construction

Date of Notice to Proceed: July 1, 2015

Date of Notice of Completion: March 4, 2016

Date of Notice of Final Completion: March 4, 2016

Contract Amount: \$510,795.12

Evaluator Name and Title: Ishrat Jahan, Assistant Engineer II

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

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

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

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

ASSESSMENT GUIDELINES:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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	<u>2</u>	X 0.25 =	<u>.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>.4</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.30</u>

TOTAL SCORE (Sum of 1 through 5): 2.10

OVERALL RATING: 2.10

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.*

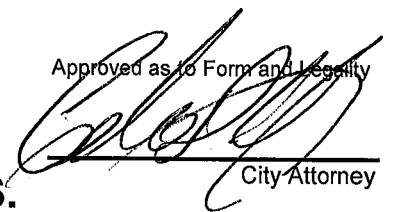
Contractor / Date

Edward Kohn / 4-6-16
Resident Engineer / Date

[Signature] 4/6/16
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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



2016 JUNE RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION CO., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, FOR PUMP STATION IMPROVEMENTS (PROJECT NO. C267630) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION TWENTY-THREE THOUSAND TWO HUNDRED THIRTY-TWO DOLLARS (\$2,023,232.00)

WHEREAS, on April 7, 2016, four bids were received by the Office of the City Clerk of the City of Oakland for Pump Station Improvements (Project No. C267630); and

WHEREAS, Bay Construction Co., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, funding for this project will be available in the following project account as part of FY 2015-17 CIP budget:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C267630; \$2,023,232.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

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

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

WHEREAS, Bay Construction Co. complies with all LBE/SLBE and trucking requirements; and

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

RESOLVED: That the City Administrator or designee is authorized to award a construction contract for Pump Station Improvements (Project No. C267630) to Bay Construction Co., the lowest responsive and responsible bidder, in an amount of Two Million Twenty-Three Thousand Two hundred Thirty-Two Dollars (\$2,023,232.00) and in

accordance with plans and specifications for the project and with contractor's bid date April 7, 2016; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,023,232.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,023,232.00, with respect to such work are hereby approved; and be it

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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