



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 NOV 15 PM 3:05

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Citywide Curb Ramps and Sidewalk Repair DATE: October 19, 2012

City Administrator
Approval

Date

11/15/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council adopt a resolution authorizing the City Administrator, or designee to award a construction contract to Rosas Brothers Construction, Inc. the lowest responsible, responsive bidder, in accord with plans and specifications for Citywide Curb Ramps and Sidewalk Repair Project C428011 and contractor's bid therefor, in the amount of **One Million Seven Hundred Thirty-Three Thousand Two Hundred Sixty-Four Dollars and Sixty Cents (\$1,733,264.60)**.

OUTCOME

As part of the City's citywide curb ramp installation and sidewalk repair program, the work is located at various locations citywide upgrading and installing new curb ramps and repairing sidewalk damage. This project will continue to repair sidewalk damages located in the priority corridors established in the Five-Year Prioritization Plan presented to the City Council in October 2008. The corridors for this project will be 35th Avenue and Park Boulevard. Additional corridors will be selected as budget allows, based on the priority list.

BACKGROUND/LEGISLATIVE HISTORY

In general, the proposed work consists of construction of curb ramps and sidewalk repair in various locations citywide. The project includes: concrete sidewalk replacement, curb ramp installations, concrete curb replacement, concrete gutter replacement, concrete driveway replacement, tree root pruning, and other ancillary work for sidewalk and street improvements throughout the City.

Sidewalk damage repairs under this contract will cover both public and private locations. Public damage locations are those that are caused by official City trees. All other sidewalk damage (with the exception of those that are caused by utility companies) are the responsibility of private

Item: _____
Public Works Committee
November 27, 2012

property owners. In coordination with this project, the City will send Notice to Repair sidewalk (NTR) letters to property owners offering the following choice of options: 1) owner to repair the sidewalk through private contract 2) owner hires the City contractor to repair the sidewalk 3) if no option is chosen, the City will repair the damage and place a Repair Lien on the property to recover the total expenses incurred. The City will encourage owners to select options by waiving inspection fees. This presents the benefit to the owner of a known cost, competitive rates, and waived permit fees.

Under Section 12.04 of the City of Oakland Municipal Code and according to California Streets and Highways Code Sections 5600-5602, the fronting property owners are responsible for maintaining sidewalks and repairing damages. The City's role is to ensure the damages are repaired. A typical sidewalk repair cost for a property owner is approximately \$2,000.00.

This project will also install approximately 442 curb ramps in response to citizens curb ramp request consistent with Americans with Disabilities Act (ADA), and in compliance with the City of Oakland Curb Ramp Transition Plan. Construction work is anticipated to begin in March 2013 and should be completed by February 2014. The contract specifies \$1,000.00 in liquidated damages per calendar day dependent on specific project locations. The project schedule is shown in *Attachment A*.

ANALYSIS

On September 27, 2012, the City Clerk received two bids for the project in the amount of \$1,818,758.50 and \$1,733,264.60 as shown in *Attachment B*. Both of the bidders met the City's compliance goals. The lowest bidder, Rosas Brothers Construction, Inc., is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the construction work is \$1,998,826.00. Staff has reviewed the bids and has deemed that it is reflective of the current construction bidding environment.

Company	Location	Bid Amount
Rosas Brothers Construction	Oakland	\$1,733,264.60
AJW Construction	Oakland	\$1,818,758.50
Engineer's Estimate		\$1,998,826.00

Under the proposed contract with Rosas Brothers Construction, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 100%, which

Item: _____
Public Works Committee
November 27, 2012

exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100% for trucking, which exceeds the 50% 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 C**. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

COORDINATION

Offices consulted in the preparation of this report are the following:

- Office of the City Attorney
- City Budget Office
- Public Works Agency – Department of Infrastructure and Operations

Consideration was also given to known planned street resurfacing projects and streetscape projects, which would impact the planned street rehabilitation in regard to coordination.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with Rosas Brothers Construction, Inc. in the amount of \$1,733,264.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract - \$1,733,264.60
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$1,733,264.60.
3. SOURCE OF FUNDING:
 - Measure B ACTIA Fund (2211); Project (C428010); \$1,219,138.37;
 - Measure B Bicycle/Pedestrian Fund (2212); Project (C428210); \$514,125.63
4. FISCAL IMPACT:
Sidewalk and curb ramps repaired will create safe path of travel along prioritized corridors.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Rosas Brothers Construction, Inc. from a previously completed project was satisfactory and is included as **Attachment D**.

Item: _____
Public Works Committee
November 27, 2012

SUSTAINABLE OPPORTUNITIES

Economic: In general, sidewalks in good condition enhance the vitality of neighborhoods. Repair of the sidewalks will enhance the aesthetics of the commercial and residential corridors and result in higher property values

All construction contracts require the payment of prevailing wages. The sidewalk contract will offer employment to Oakland citizens and contribute to an increased quality of life. Project funds will be used within the community and assist in stimulating the economic base.

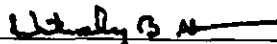
Construction contracts require 50% of the work hours be performed by Oakland residents and 50% of all new hires be Oakland residents.

Environmental: The contractor will recycle removed concrete and asphalt to the extent possible. Removed trees and spumed tree roots will be taken to a green waste recycling center.

Social Equity: The City's citywide sidewalk and curb ramp program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions and ensures that Measure **B** funds are spent in a manner that is cost effective throughout the City.

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

Respectfully submitted,



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

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

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

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

Attachments:

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

Item: _____
Public Works Committee
November 27, 2012

Attachment A

**Citywide Curb Ramps and Sidewalk Repair
(Project No. C428011)**

Project Construction Schedule

ID	Task Name	Start	Finish	2014											
				Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
1	C428011 Citywide Curb Ramps and Sidewalk Repair	Mon 3/4/13	Fri 1/31/14	[Gantt bar spanning from March 4, 2013 to January 31, 2014]											
2	Construction	Mon 3/4/13	Fri 1/31/14	[Gantt bar spanning from March 4, 2013 to January 31, 2014]											

Attachment B

List of Bidders

Company	Location	Bid Amount
Rosas Brothers Construction	Oakland	\$1,733,264.60
AJW Construction	Oakland	\$1,818,758.50
Engineer's Estimate		\$1,998,826.00

Attachment C

*Citywide Curb Ramps and Sidewalk Repair
(Project No. C428011)*

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: Jimmy Mach
CIP Coordinator

FROM: Deborah Barnes *Deborah Barnes*

SUBJECT: Compliance Analysis
Citywide Curb Ramps and Sidewalk Repair
Project No. C428011
(Revised 10/19/12)

DATE: October 16, 2012

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) 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 the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Rosas Brothers Construction	\$1,733,264.60	100%	0%	100%	0%	100%	100%	5%	\$1,646,601.37	Y
AJW Construction	\$1,818,758.50	96.15%	11%	83.23%	3.84%	100%	96.15%	5%	\$1,727,820.58	Y

Comments: As noted above, Rosas Brothers Constnction and AJW Construction met and/or exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

*Pursuant to the L/SLBE program, a Very Small Local Businesses Enterprise's (VLSBE) participation has been double counted toward meeting the L/SLBE requirement.

Non-Responsive to 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	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: There were no non-responsive bidders.

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: Rosas Brothers Construction

Project Name: On Call Citywide Sidewalk Repair for Fiscal Year 2007-2008 Contract A District 1,2 & 3.

Project No: C269160A

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?	No	If no, shortfall hours?	697.28
Were shortfalls satisfied?	No	If no, penalty amount?	\$18,177.96

***** Note: Since a year had lapsed, the contractor has forfeited the withheld amount of \$18,177.96.**

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
1548	0	50%	774	100%	774	N/A	0	100%	0	15%	464	464

Comments: Rosas Construction was compliant with the Local Employment Program's 50% resident hiring goal and was non compliant with the 15% Oakland Apprenticeship Program goal.

***** Note: Since a year had lapsed, the contractor has forfeited the withheld amount of \$18,177.96.**

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

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 0428011

PROJECT NAME: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Rosas Brothers Construction

Engineer's Estimate:
\$1,998,826.00

Contractors' Bid Amount
\$1,733,264.60

Over/Under Engineer's Estimate
\$266,661.40

Discounted Bid Amount:
\$1,646,601.37

Amount of Bid Discount
\$86,663.23

Discount Points:
6.00%

- 1. Did the 20% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **100.00%**
 - c) % of VSLBE participation **0.00%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100.00%**
- 4. Did the contractor receive bid discounts? **NA**
(If yes, list the percentage received) **6.00%**
- 5. Additional Comments.

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

10/16/2012
Date

Reviewing
Officer:

[Signature]

Date: 10/18/2012

Approved By:

Shelley Sorenburg

Date: 10/16/2012

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Citywide Curb Ramps and Sidewalk Repair													
Project No.: C428011			Engineers Est: 1,998,826.00				Under/Over Engineers Estimate: 285,881.40						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Trucking Concrete Supply	Rosas Brothers Construction	Oakland	CB		1,703,764.60		1,703,764.60			1,703,764.60	H	1,703,764.60	
	S & S Trucking	Oakland	CB		29,500.00		29,500.00	29,500.00	29,500.00	29,500.00	H	29,500.00	
	Conral Concrete Supply	Oakland	CB							0.00	C		
Project Totals				\$0.00	\$1,733,264.60		\$1,733,264.60	\$29,500.00	\$29,500.00	\$1,733,264.60		\$1,733,264.60	\$0
				0.00%	100.00%	0.00%	100.00%	100.00%	100.00%	100.00%		100.00%	0.00%
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. A VSLBE's participation is double counted toward meeting the requirements.				LBE25%	SLBE25%	VSLBE	TOTAL LBE/SLBE/VSLBE	50% LBE/SLBE/VSLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non-Profit Local Business Enterprise NPSLBE = Non-Profit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C428011

PROJECT NAME: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: AJW Constructon

Engineer's Estimate: \$1,998,826.00	Contractors' Bid Amount \$1,818,758.50	Over/Under Engineer's Estimate \$180,067.50
----------------------------------------	-------------------------------------------	------------------------------------------------

Discounted Bid Amount: \$1,727,820.58	Amount of Bid Discount \$90,937.93	Discount Points: 5.00%
------------------------------------------	---------------------------------------	---------------------------

1. Did the 20% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
 - a) % of LBE participation 11.00%
 - b) % of SLBE participation 83.23%
 - c) % of VSLBE participation 3.84%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total SLBE/LBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5.00%

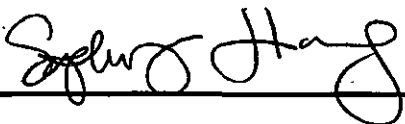
5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 1.92%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement.

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

10/16/2012
Date

Reviewing
Officer:



Date: 10/16/2012

Approved By:

Date: 10/16/2012

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Citywide Curb Ramps and Sidewalk Repair														
Project No.: C428011		Engineers Est: 1,998,826.00				Under/Over Engineers Estimate: 180,067.50								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	AJW Constructon	Oakland	CB		1,513,758.50		1,513,758.50			1,513,758.50	H	1,513,758.50		
Trucking	UJ Trucking	Oakland	CB			35,000.00	35,000.00	35,000.00	35,000.00	35,000.00	H	35,000.00		
Concrete	Central Concrete	Oakland	CB	200,000.00			200,000.00			200,000.00	C			
Truncated	Level Construction	Oakland	CB	70,000.00			70,000.00			70,000.00	C			
Project Totals				\$200,000.00	\$1,513,758.50	\$35,000.00	\$1,818,758.50	\$35,000.00	\$35,000.00	\$1,818,758.50		\$1,548,758.50	\$0	
				11.00%	83.23%	1.92%	96.15%	100.00%	100.00%	100.00%		85.15%	0.00%	
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. A VSLBE's participation is double counted toward meeting the requirements.				LBE25%	SLBE25%	VSLBE	TOTAL LBE/SLBE/VSLBE	50% LBE/SLBE/VSLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

*Proposed VSLBE participation is valued at 1.92%, however per the L/SLBE Program a VSLBE's participation is double counted towards meeting the requirement. Therefore, the firm received 3.84% VSLBE credit. Double counted percentages are reflected on the evaluation form and cover memo.

Attachment D

*Various Street Resurfacing and Bikeway Facilities
(Project No. G427410)*

Contractor Performance Evaluation

Schedule L-2
City of Oakland
Community & Economic Development Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: O269130-On-Call Citywide Sidewalk Repair For Fiscal Year 2006-2007.

Work Order Number (if applicable): _____

Contractor: Rosas Brothers Construction

Date of Notice to Proceed: 7/28/2008

Date of Notice of Completion: 1/22/2010

Date of Notice of Final Completion: 1/22/2010

Contract Amount: \$932,040.00

Evaluator Name and Title: David Ng, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, CEDA 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 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 type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

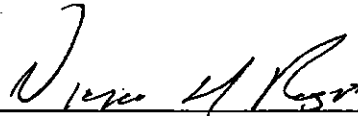
		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>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

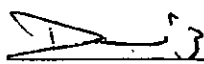
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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 4/7/2010


Resident Engineer / Date 3/6/2010


Supervising Civil Engineer / Date 3/5/10

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.

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.

The Contractor provides preliminary construction staking and survey to determine the curb ramp layout(s) at each corner to ensure conformance with ADA requirements before construction starts. Also, the Contractor check for ponding at the gutter adjacent to work area and advised the City to extend the construction limit to correct the drainage issue.

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.

For every proposal requests, we required the Contractor to provide a construction schedule. The Contractor did not always provide the construction schedule or the revised schedule.

19: Were the Contractor responsive to the City's questions, requests for proposal, etc? If "Marginal or Unsatisfactory", explain on the attachment.

The Contractor was willing to negotiate the price for proposal requests and their final quotes were reasonable.

Selection Criteria

Budget
 Period

Amount Type
 Encumbrance Type
 Account Level

Funds Available (USD)

Summary

Account	Budget	Encumbrance	Actual	Funds Available
<input type="checkbox"/> 1.2211.92242.57411.C428010.IN05	1,496,604.37	277,466.00	0.00	1,219,138.37
<input type="checkbox"/> 1.2211.92242.57417.C428010.IN05	0.00	0.00	0.00	0.00
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Encumbrance Amounts

Commitment Obligation Other

Account Description

CITY.Measure B: ACTIA.Engineer Design: Streets .Street Construction.ADA CURB.RAMP 30-YEAR TRA.ENGINEERING

Selection Criteria

Budget CITY OP
 Period P04.13

Amount Type Year To Date Extended
 Encumbrance Type ALL
 Account Level All

Funds Available (USD)

Summary

Account	Budget	Encumbrance	Actual	Funds Available
<input type="checkbox"/> 1.2212.92242.57411.C428210.IN05	382,894.57	0.00	0.00	382,894.57
<input type="checkbox"/> 1.2212.92242.57417.C428210.IN05	0.00	0.00	0.00	0.00
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Encumbrance Amounts

Commitment 0.00 Obligation 0.00 Other 0.00

Account Description

CITY.Measure B: Bicycle/Pedest.Engineer Design: Streets .Street Construction.CITY SIDEWALK REPAIR FUND.ENGI

BCIR in process 10/22/12

FILED
OFFICE OF THE CLERK
OAKLAND**OAKLAND CITY COUNCIL**

RESOLUTION NO. _____ C.M.S.

2012 NOV 15 PM 3

Introduced by Councilmember _____

City Attorney

Resolution: Authorizing The City Administrator, or His Designee To Award a Construction Contract To Rosas Brother Construction, Inc. The Lowest Responsible, Responsive Bidder, In Accord With Plans And Specifications For Citywide Curb Ramps and Sidewalk Repair Project No. C428011 And Contractor's Bid Therefor, In The Amount of One Million Seven Hundred Thirty-Three Thousand Two Hundred Sixty-four Dollars and Sixty Cents (\$1,733,264.60).

WHEREAS, on September 27, 2012, two bids were received by the Office of the City Clerk of the City of Oakland for Citywide Curb Ramps and Sidewalk Repair, Project No. C428011; and

WHEREAS, Rosas Brothers Construction, Inc., is a certified SLBE bidding as a prime, is the lowest responsive and responsible bidder for the project; and

WHEREAS, the City of Oakland's curb ramps and sidewalk is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Measure B – ACTIA Fund (2211), Project No. C428010, and
- Measure B – Bicycle/Pedestrian Fund (2212), Project No. C428210

WHEREAS, the funds were specifically allocated for this project, and the project will create a safe path of travel, comply with Americans with Disabilities Act mandates and meet citizen demand; and

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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, Rosas Brothers Construction, Inc. complies with all LBE/SLBE and trucking requirements; and

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

RESOLVED: That the contract for the Citywide Curb Ramps and Sidewalk Repair Project No. C428011 is awarded to Rosas Construction Inc., the lowest responsible, responsive bidder, in accordance with the plans and specifications for the Project and contractor's bid therefor, dated September 27, 2012, in the amount of One Million Seven Hundred Thirty-Three Thousand Two Hundred Sixty-Four Dollars and Sixty Cents (\$1,733,264.60); and be it

FURTHER RESOLVED: That all other bids submitted for Project No. C428011 are hereby rejected; and be it

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

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project, and reviewed and adopted by the Director, are hereby approved; and be it

FURTHER RESOLVED: That the contract and this resolution has been approved by the Office of the City Attorney as to form and legality, and a copy is on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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