

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 JUN 15 AM 9:22

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 27, 2006

RE: **An Informational Report On The Implementation Of A Contractor And Consultant Performance Evaluation Program For Capital Improvement Projects**

SUMMARY

At the request of the Public Works Committee, the Public Works Agency has developed a program to formally evaluate the performance of contractors for construction contracts and of consultants for professional service contracts on capital improvement projects. This report provides information on the evaluation process and the implementation of the program. Currently, the performance of contractors and consultants is not formally evaluated in writing. The purpose of the proposed evaluation program is to objectively assess performance, to formally document the performance, and to create a repository of the information for future reference. As an overall benefit, the program will encourage better performance and result in improved service to the City.

The City of Oakland Public Works Agency and the Port of Oakland Engineering Division have been collaborating on an evaluation process for contractors and consultants. Both agencies have similar desires and needs to formalize an evaluation program. The City and the Port have each developed similar contractor and consultant evaluation forms and outreached to the stakeholders. The contractor form has been presented to several local contractors, the Associated General Contractors (AGC), the Engineering & Utility Contractor's Association (EUCA), and the Oakland Chamber of Commerce. The consultant form was presented to the local American Institute of Architects (AIA), American Society of Civil Engineers (ASCE), the Consulting Engineers and Land Surveyors of California (CELSOC), and the Oakland Chamber of Commerce. Some comments were received and were carefully considered. Many of the recommendations were adopted or addressed. The evaluation forms are attached to this report as *Exhibit A* (contractor form) and *Exhibit B* (consultant form).

Upon acceptance of this informational report, staff intends to begin implementation of the program. For construction contracts that exceed \$50,000.00 in the bid amount, staff will complete the evaluation form at the conclusion of the project. If at anytime during construction, staff finds that the contractor's overall performance is marginal or unsatisfactory, an interim evaluation will be issued to allow the contractor to rectify the deficiencies. Various categories of performance will be evaluated and an overall rating will be assigned. Overall ratings will range from Outstanding, Satisfactory, Marginal, to Unsatisfactory. The evaluations will be kept on file for five (5) years in the Public Works Contract Administration Division and may be used, in part,

Item: 7
Public Works Committee
June 27, 2006

as a reference for future City projects. If a contractor receives an overall Unsatisfactory rating, they 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. Otherwise, the contractor may be categorized by the City Administrator as non-responsible for any bids the contractor may submit for future City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating. An appeals procedure is included in the evaluation process to enable contractors to dispute overall ratings of Marginal or Unsatisfactory.

For consultant contracts, staff will complete the evaluation form at the conclusion of the services provided. If appropriate and necessary, interim evaluations may be issued to the consultant. Various categories of service will be evaluated and an overall rating will be assigned. Overall ratings will range from Excellent, Average, Needs to Improve, to Poor. The evaluations will be kept on file for five (5) years in the Public Works Contract Administration Division and may be used, in part, as a reference to evaluate the consultant for future City projects. An appeals procedure is included in the evaluation process to enable consultants to dispute overall ratings of Needs to Improve or Poor.

FISCAL IMPACT

The implementation of a performance evaluation program for contractors and consultants will have a minimal fiscal impact. The cost to prepare and present the evaluations will be absorbed into the existing project staff budgets. It is anticipated that by evaluating contractors and consultants that eventually the quality and efficiency of work and service provided to the City will improve.

BACKGROUND

The Public Works Agency recognizes the need to formally evaluate contractors and consultants. Evaluations provide an opportunity to offer and receive feedback that can be used to improve communications, performance, efficiency, and quality within a project. The evaluations will be used to identify deficiencies in the performance of some contractors or consultants. In addition, other contractors or consultants can use the evaluations to distinguish their work when they have been rated positively. The formal evaluation and documentation of contractor and consultant performance will eventually lead to improved services to the City.

Staff has researched other municipalities who have developed a performance evaluation program. In particular, the City of Los Angeles has an established system and their program was used as a basis to create the proposed evaluation forms. Since the Port of Oakland is also looking to implement a contractor and consultant performance evaluation program, the Public Works Agency and the Port of Oakland Engineering Division have been working cooperatively. The Port of Oakland expects to begin a similar Contractor and Consultant Evaluation program in the near future. Comments and recommendations with respect to the contractor evaluation form were solicited from several local contractors, the Associated General Contractors (AGC), the Engineering & Utility Contractor's Association (EUCA), and the Oakland Chamber of

Commerce. Similarly, comments and recommendations for the consultant evaluation form were solicited from the local American Institute of Architects (AIA), American Society of Civil Engineers (ASCE), the Consulting Engineers and Land Surveyors of California (CELSOC), and the Oakland Chamber of Commerce. The feedback received was carefully considered and incorporated into the evaluations when appropriate.

PROGRAM DESCRIPTION

Contractor Evaluations:

The contractor evaluation form is attached to this report as *Exhibit A*. The form rates various factors ranging from Outstanding, Satisfactory, Marginal, to Unsatisfactory. The categories of the form are as follows:

- Work Performance (quality, completeness, and expertise)
- Timeliness (scheduling, coordination of submittals)
- Financial (accuracy of billings, claim issues, reasonable pricing of added work)
- Communication (responsiveness, timely notification, proper staffing)
- Safety (proper equipment, regulations, violations, injuries)
- Overall (weighted cumulative score of the above categories, with emphasis on work performance and timeliness)

For construction contracts that exceed \$50,000.00 in the bid amount, the City's Resident Engineer most familiar with the contractor's performance will prepare the Contractor Performance Evaluation form and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure that adequate documentation is included, that the Resident Engineer has followed the process correctly, that the Contractor Performance Evaluation form has been prepared in a fair and unbiased manner, and that the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The City's Resident Engineer will submit the evaluation within 30 calendar days of the issuance of the Final Payment. 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. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to the evaluation. 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 any effort by the General Contractor to improve the subcontractor's performance.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation form 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 her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or 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.

The Public Works Agency Contract Administration Division 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.

Contractors receiving 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 by the City Administrator as non-responsible for any bids they submit for future City of Oakland projects within 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.

Consultant Evaluations:

The consultant evaluation form is attached to this report as *Exhibit B*. The form rates various factors ranging from Excellent, Average, Needs to Improve, to Poor. The individual factors for professional services to be rated cover numerous qualities including quality of work, level of expertise, innovation, quality control, accuracy of cost estimating, etc.

The City's Project Coordinator or Manager most familiar with the consultant's performance will prepare the Consultant Performance Evaluation form and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Consultant Performance Evaluation to ensure that adequate documentation is included, that the Project Coordinator/Manager has followed the process correctly, that the Consultant Performance Evaluation form has been prepared in a fair and unbiased manner, and that the ratings assigned by the Project Coordinator/Manager are consistent with all other Project Coordinators/Managers using consistent performance expectations and similar rating scales.

The Project Coordinator/Manager will submit the evaluation within 60 calendar days of the completion of the consultant's individual project or assignment. An interim evaluation will be performed if at any time the Project Coordinator/Manager finds that the overall performance of a consultant is Needs to Improve or Poor. An interim evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation of the project will supersede

interim ratings. Narrative comments are required to support any evaluation criteria that are rated as Needs to Improve or Poor, and must be attached to the evaluation. If a criterion is rated Needs to Improve or Poor, and the rating is caused by the performance of a subconsultant, the narrative will note this.

The Resident Engineer will transmit a copy of the Consultant Performance Evaluation form to the consultant. Overall Ratings of Excellent or Average are final and cannot be protested or appealed. If the Overall Rating is Needs to Improve or Poor, the consultant will have the opportunity to file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a consultant's protest and render her determination of the validity of the consultant's protest. The Assistant Director's determination will be final and not subject to further appeal. However, the consultant will be given an opportunity to append a one-page statement to the evaluation that explains or refutes the City's finding. The Public Works Agency Contract Administration Division will retain the final evaluation and any response from the consultant for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

KEY ISSUES AND IMPACTS

The implementation of a contractor and consultant evaluation program will allow the City to create a database of past performance. This information can be used as a reference to identify firms that have performed well in the past, or conversely to provide a cautionary note when the performance of a firm has been somehow deficient.

All competitively bid construction projects are awarded to the lowest, responsible and responsive bidder. When a contractor has been deemed Unsatisfactory, the evaluation can be used to categorize the contractor as non-responsible. The evaluation of consultants provides an additional tool and reference to focus staff on the potential strengths and weaknesses of a firm in the selection process of a new project. The overall impact of the program to the City will be the eventual delivery of improved services and higher quality projects.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council accept this report on the implementation of the Contractor and Consultant Performance Evaluation Program.

SUSTAINABLE OPPORTUNITIES

Economic: There are no added economic opportunities as a result of this proposed program.

Environmental: There are no added environmental opportunities as a result of this proposed program.

Social Equity: There are no added social equity opportunities as a result of this proposed program.

DISABILITY AND SENIOR CITIZEN ACCESS

No impact to disability or senior access results from the proposed program.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council review and comment on the Contractor and Consultant Performance Evaluation Program and accept this informational report.

Respectfully submitted,

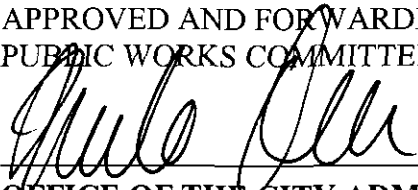


RAUL GODINEZ, II, P.E.
Director Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design & Construction Services Department

Prepared by:
Ronald Ward & Danny Lau
Supervising Civil Engineers
Project Delivery Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENTS:

- Exhibit A- Contractor Evaluation Form
- Exhibit B – Consultant Evaluation Form

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Title:

Work Order Number:

DRAFT

Contractor:

Date of Notice to Proceed:

Date of Notice of Completion:

Date of Notice of Final Completion:

Contract Amount:

Evaluator Name and Title:

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 is 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 action was required. **7**

CONTRACTOR EVALUATION

| WORK PERFORMANCE | | | | | |
|--|--|----------|--------------|-------------|-----|
| 1. Did the contractor perform all of the work with acceptable Quality and Workmanship? If "Marginal or Unsatisfactory", specify on the attachment what work failed to meet Quality or Workmanship standards; cite any problems encountered. Provide documentation. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| a. 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 2. Was the work performed by the contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (a) and (b) below. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| a. Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation. | | | | Yes | No |
| b. If corrections were requested, did the contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 4. Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation. | | | | Yes | No |
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 7. Overall, how did the contractor rate on Work Performance? Your 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. | <p>Score</p> <p>Outstanding (3)</p> <p>Satisfactory (2)</p> <p>Marginal (1)</p> <p>Unsatisfactory (0)</p> | | | | |

| TIMELINESS | | | | | |
|--|--|----------|--------------|-------------|-----|
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 9. Was the contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #8. If "Yes", complete (a) below. | | | Yes | No | N/A |
| a. 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 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. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 12. Were there other significant issues related to "Timeliness"? If yes, explain on the attachment. Provide documentation. | | | | Yes | No |
| 13. Overall, how did the contractor rate on Timeliness? Your 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. | <p style="text-align: center;">Score</p> <p>Outstanding (3)</p> <p>Satisfactory (2)</p> <p>Marginal (1)</p> <p>Unsatisfactory (0)</p> | | | | |

| 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). | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 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 | No |
| 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). | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 17. Were there any other significant issues related to "Financial"? If Yes, explain on the attachment and provide documentation. | | | | Yes | No |
| 18. Overall, how did the contractor rate on Financial Issues? Your 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. | Score Outstanding (3) Satisfactory (2) Marginal (1) Unsatisfactory (0) | | | | |

| COMMUNICATION | | | | | |
|---|----------------|----------|--------------|-------------|-----|
| 19. Was the contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 20. Did the contractor communicate with City staff clearly and in a timely manner regarding: | | | | | |
| a. Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| b. Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |

| | | | | | |
|---|---|----------|--------------|-------------|-----|
| c. Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| d. Billing disputes? If "Yes", explain on the attachment. | | | | Yes | No |
| 21. Were there any other significant issues related to "Communication"? Explain on the attachment. Provide documentation. | | | | Yes | No |
| 22. Overall, how did the contractor rate on Communication issues? Your 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. | Score Outstanding (3) Satisfactory (2) Marginal (1) Unsatisfactory (0) | | | | |

| SAFETY | | | | | |
|--|----------------|----------|--------------|-------------|-----|
| 23. Did the contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment. | | | | Yes | No |
| 24. Did the contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment. | Unsatisfactory | Marginal | Satisfactory | Outstanding | N/A |
| 25. Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment. | | | | Yes | No |
| 26. Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment. | | | | Yes | No |
| 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 | No |

| | |
|---|--|
| <p>28. Overall, how did the contractor rate on Safety issues? Your score for this category must be consistent with the responses to the questions given above regarding Safety issues and the assessment guidelines. Circle 0, 1, 2, or 3.</p> | <p style="text-align: center;">Score</p> <p>Outstanding (3)</p> <p>Satisfactory (2)</p> <p>Marginal (1)</p> <p>Unsatisfactory (0)</p> |
|---|--|

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 _____ X 0.25 = _____

2. Enter Overall score from Question 13 _____ X 0.25 = _____

3. Enter Overall score from Question 18 _____ X 0.20 = _____

4. Enter Overall score from Question 22 _____ X 0.15 = _____

5. Enter Overall score from Question 28 _____ X 0.15 = _____

TOTAL SCORE (Sum of 1 through 5): _____

OVERALL RATING: _____

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

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: Contractor's Performance Evaluation has been communicated to the contractor. Signature does not signify consent or agreement.

Contractor/Date

Resident Engineer/Date

Supervising Civil Engineer /Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:
Use this sheet to provide any substantiating comments to support your 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.

7
PUBLIC WORKS DATE

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONSULTANT PERFORMANCE EVALUATION FORM

Consultant Name & Address: _____

Type of Services/Work Provided: _____

Project Complexity (Standard or Difficult): _____

Consultant Lead Project Manager: _____

Project Name: _____

City Project No: _____

Final Value of Consultant Contract: _____

Duration of Consultant Contract (Start & end dates): _____

Final Value of Construction Contract: _____

City Construction Resident Engineer (with phone #): _____

Date of Evaluation: _____

City Project Manager/Evaluator (with phone #): _____

Reviewed and Approved By (with phone #): _____

Ratings Guidelines:

- *Poor - Work required extensive revisions, included numerous & significant errors; consultant was unable or unwilling to perform consistently, required an inordinate amount of supervision, and/or failed to meet professional standards/project objectives.*
- *Needs to Improve – Performance was marginal; work required more review and included more errors than would normally be anticipated; level of service or expertise below average.*
- *Average – Performance and work were satisfactory; services provided were at least of industry standard; no significant errors or problems; professional service objectives met.*
- *Excellent – Performance was clearly above standard; expectations exceeded; objectives were met with an added level of service and/or with a higher level of professional expertise.*

Consultant Performance Evaluation

Please rate the Consultant on the following topics by checking the appropriate box:

| <u>QUESTIONS</u> | <u>Poor</u> | <u>Needs to Improve</u> | <u>Average</u> | <u>Excellent</u> | <u>Not Applicable</u> |
|--|--------------------------|--------------------------------|--------------------------|--------------------------|------------------------------|
| 1. Quality of Design/Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Ability to meet the Project Objectives | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Knowledge, Expertise, and State-of-the Art Technologies | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Innovation of Design/Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Thoroughness of Design/Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Quality Control of Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Ability to React and Respond to Problems/Issues | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Ability to Maintain to the Project Schedule and to Time Commitments | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Ability to Maintain to the Project Budget | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Accuracy of Cost Estimating | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Constructibility of the Design/Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Quality of Construction Support Services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Accuracy and Timeliness of Billings and other Documents | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Sufficient and Appropriate Staffing of the Project by the Consultant | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Ability to Manage and Coordinate Sub-Consultants | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Consultant Performance Evaluation

| <u>QUESTIONS</u> | <u>Poor</u> | <u>Needs to Improve</u> | <u>Average</u> | <u>Excellent</u> | <u>Not Applicable</u> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 16. Ability and Ease of Communicating with City Staff | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Ability to Communicate with the Community and to Make Presentations | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Willingness, Flexibility, and Attitude in Working with the City | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Ability to Follow City Directives (i.e. Architectural Design Concept, other Requirements, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OVERALL RATING | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional Comments (attach additional information, as necessary): _____

Note: The Project Coordinator/Manager shall complete this evaluation form for each primary consultant within 60 days upon the completion of an individual project or assignment. Interim evaluations shall also be prepared for projects of a long duration (i.e. over one year) or if the consultant's performance merits notification of any deficiencies.

Information is to be submitted to and kept on file by the PWA Contract Administration Division for five (5) years. A copy of the evaluation shall also be provided to the consultant. These forms may be used, in part, as a reference to evaluate the consultant for future City professional services contracts.

Consultants with an overall evaluation of "Poor" or "Needs to Improve" are given an opportunity to 1) appeal the evaluation to the Assistant Director of Public Works, or his designee, and/or 2) append the evaluation with a one-page statement that explains or refutes the City's finding.

7
PUBLIC WORKS DIVISION

To the extent permitted by law, the City shall treat the evaluations as confidential information.

JUN 27 2006