

ATTACHMENT D

COMPLIANCE ANALYSIS

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7

MARKET STREET AND SAN PABLO AVENUE

FEDERAL PROJECT NO. HSIPL-5012(140)

CITY PROJECT NO. 1003251



INTER OFFICE MEMORANDUM

TO: Kathy Tran
Assistant Civil Engineer

FROM: Deborah Barnes, Director *DBarnes*
Workforce & Employment Standards

THROUGH: *Shelley Darenburg*
Shelley Darenburg,
Contract Compliance Supervisor

PREPARED BY: *Vivian Inman*
Vivian Inman, Senior
Contract Compliance Officer

SUBJECT: Compliance Analysis
Highway Safety Program Cycle 7
(HSIP7) Claremont Avenue and Shattuck
Avenue Pedestrian Treatments

DATE: October 15, 2020

The City Administrator's Office, Contracts and Compliance Unit, reviewed five (5) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 13% for this project.

Compliant with DBE Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total DBE Participation	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Ray's Electric	\$1,053,560	19.76%	0%	70.26%	0%	0%	NA	NA	NA	Y
Bay Area Lightworks	\$1,055,800	73.72%	0%	0%	0%	0%	NA	NA	NA	Y
Beliveau Engineering	\$1,119,990	46.34%	0%	2.68%	0%	0%	NA	NA	NA	Y
Bay Construction	\$1,298,445	38.05%	0%	56.57%	0%	0%	NA	NA	NA	Y

Comments: As noted above, all firms met or exceeded the DBE goal of 13%. All firms are EBO compliant.

Non-Compliant with DBE Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total DBE Participation	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Kerex Engineering	\$961,435	1.87%	0%	0%	0%	0%	NA	NA	NA	N

Comments: As noted above, Kerex Engineering failed to meet the DBE goal of 13%. The firm submitted the required Good Faith Effort documentation but it was deemed insufficient.

Should you have any questions, please contact Vivian Inman, Sr. Contract Compliance Officer at (510) 238-6261.

DBE Participation Bidder 1

Project Name: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

Project No.: 1003251		Engineer's Est. \$918,635.00								Certified Disadvantaged MBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Ethn.	MBE	WBE
										PRIME	Kerex Engineering, Inc.	Pleasant Hill
Electrical	Gremelli Industries	Richmond	UB						428,000.00	NL		428,000.00
Striping	Sierra Traffic	Roseville	UB						75,000.00	NL		
Trucking	All City Trucking	Oakland	CB		18,000.00		18,000.00	18,000.00	18,000.00	C		
Project Totals				\$0.00	\$18,000.00	\$0.00	\$18,000.00	\$18,000.00	\$961,435.00		\$0	\$428,000
				0.00%	1.87%	0.00%	1.87%	1.87%	100%		0.00%	44.52%
								DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												



Workforce & Employment Standards

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1003251

PROJECT NAME: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

CONTRACTOR: Kerex Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$918,635.00	\$961,435.00	-\$42,800.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 13% **NO**

b) % of DBE participation **1.87%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **1.87%**

e) % of VSLBE/LPG participation **0.00%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.

Firm failed to meet the DBE goal of 13%. Review of the firm's Good Faith Effort Documentation showed that it was insufficient. Kerex Engineering performed no follow-up contact with the firms that were solicited, nor did they provide any information on any DBE firms that were rejected. The firm also failed to perform outreach via the local newspapers and ethnic organizations and the GFE was deemed insufficient. Therefore, the firm is deemed non-responsive.

5. Date evaluation completed and returned to Contract **9/28/2020**

Reviewing Officer: Vivian Inman

Date: 9/28/2020

Approved By: Shelley Darenburg

Date: 9/28/2020

DBE Participation Bidder 2

Project Name: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

Project No.: 1003251		Engineer's Est. \$918,635.00								Certified Disadvantaged MBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/SLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	UB		740,283.64		740,283.64		740,283.64	C		
Concrete Material	Central Concrete	San Jose	UB						26,082.00	C		
Asphalt Material	Gallagher & Burk	Oakland	UB			4,182.00			4,182.00	C		
Electrical Material	Logistical Enterprises	Clovis	UB					171,912.36	171,912.36	H		171,912.36
Striping	Sierra Traffic Marking	Rosevill	UB						74,850.00	C		
Sirveu	Construction Survey	Berkeley	CB					20,400.00	\$20,400	C		\$20,400.00
Traffic Control	CMC Traffic control	San Francisco	CB					15,850.00	\$15,850	C		\$15,850.00
Project Totals				\$0.00	\$740,283.64	\$4,182.00	\$740,283.64	\$208,162.36	\$1,053,560.00		\$0	\$208,162.36
				0.00%	70.26%	0.40%	70.26%	19.76%	100%		0.00%	19.76%
									DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												



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PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1003251

PROJECT NAME: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$918,635.00	\$1,053,560.00	-\$134,925.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 14.65% **YES**

b) % of DBE participation **19.76%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **70.26%**

e) % of VSLBE/LPG participation **0.40%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **9/28/2020**

Reviewing Officer: Vivian Inman

Date: 9/28/2020

Approved By: Shelley Darenburg

Date: 9/28/2020

DBE Participation Bidder 3

Project Name: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

Project No.: 1003251		Engineer's Est. \$918,635.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
Prime	Bay Area Lightworks, Inc.	San Francisco	CB					703,450.00	703,450.00	C		
Supplier	Jam Services	Livermore	UB						230,000.00			
Supplier	Central Concrete	San Jose	UB						40,000.00	C		
Striping	Sierra Traffic Markings, Inc.	Roseville	CB					74,850.00	74,850.00	C		
Asphalt	Gallagher & Burk	Oakland	UB			6,500.00	6,500.00		6,500.00	C		
Traffic Control Plans	CMC Traffic Control	San Francisco	CB						1,000.00	C		\$1,000.00
Project Totals				\$0.00	\$0.00	\$6,500.00	\$6,500.00	\$778,300.00	\$1,055,800.00		\$0.00	\$1,000.00
				0.00%	0.00%	0.62%	0.62%	73.72%	100%		0.00%	0.09%
								DBE Dollars	Total Dollars	Ethnicity		
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise											



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Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1003251

PROJECT NAME: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

CONTRACTOR: Bay Area Lightworks, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$918,635.00	\$1,055,800.00	-\$137,165.00

- | | |
|---|----------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 14.65% | <u>YES</u> |
| b) % of DBE participation | <u>73.72%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>0.00%</u> |
| e) % of VSLBE/LPG participation | <u>0.62%</u> |

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **9/28/2020**

Reviewing Officer: Vivian Inman

Date: 9/28/2020

Approved By: Shelley Darsenburg

Date: 9/28/2020

DBE Participation Bidder 4

Project Name: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments												
Project No.: 1003251		Engineer's Est. \$918,635.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
Prime Concrete Supply Trucking Asphalt Supply Electrical Striping & Signs	Beliveau Engineering	Oakland	UB		494,112.00		494,112.00		494,112.00	C		
	Allied Ready Mix	Alameda	UB						22,000.00	C		
	All City Trucking	Oakland	CB		30,000.00		30,000.00	30,000.00	30,000.00	AI	30,000.00	
	Gallagher & Burk	Oakland	CB			10,000.00	10,000.00		10,000.00	C		
	Columbia Electric	San Leandro	CB					489,028.00	489,028.00	H	489,028.00	
	Sierra Traffic Markings	Roseville	UB						74,850.00	C		
Project Totals				\$0.00	\$524,112.00	\$10,000.00	\$534,112.00	\$519,028.00	\$1,119,990.00		\$ 519,028.00	\$0.00
				0.00%	46.80%	0.89%	47.69%	46.34%	100%		46.34%	0.00%
								DBE Dollars	Total Dollars	Ethnicity		
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												



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PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1003251

PROJECT NAME: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

CONTRACTOR: Beliveau Engineering

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$918,635.00	\$1,119,990.00	-\$201,355.00

- | | |
|---|-------------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 14.65% | <u>YES</u> |
| b) % of DBE participation | <u>46.34%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>46.80%</u> |
| e) % of VSLBE/LPG participation | <u>0.89%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>YES</u> |
| 4. Additional Comments. | |
| 5. Date evaluation completed and returned to Contract | <u>9/24/2020</u> |

Reviewing Officer: Vivian Inman

Date: 9/24/2020

Approved By: Shelley Darenburg

Date: 9/24/2020

DBE Participation Bidder 5

Project Name: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments												
Project No.: 1003251		Engineer's Est. \$918,635.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
Prime Electric Traffic Trucking	Bay Construction	Oakland	UB		729,567.00		729,567.00		729,567.00	AP		
	Columbia Electric	San Leandro	CB					489,028.00	489,028.00	H	489,028.00	
	Sierra Traffic Markings	Roseville	UB						74,850.00	NL		
	All City Trucking	Oakland	CB		5,000.00		5,000.00	5,000.00	5,000.00	AI	5,000.00	
Project Totals				\$0.00	\$734,567.00	\$0.00	\$734,567.00	\$494,028.00	\$1,298,445.00		\$0.00	\$0.00
				0.00%	56.57%	0.00%	56.57%	38.05%	100%		0.00%	0.00%
								DBE Dollars	Total Dollars	Ethnicity		
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend												
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												



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PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1003251

PROJECT NAME: Highway Safety Improvement Program Cycle 7 (HSIP7) Claremont Avenue and Shattuck Avenue Pedestrian Treatments

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$918,635.00	\$1,055,800.00	-\$137,165.00

- | | |
|---|-------------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 14.65% | <u>YES</u> |
| b) % of DBE participation | <u>38.05%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>56.57%</u> |
| e) % of VSLBE/LPG participation | <u>0.00%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>YES</u> |
| 4. Additional Comments. | |
| 5. Date evaluation completed and returned to Contract | <u>9/28/2020</u> |

Reviewing Officer: Vivian Inman

Date: 9/28/2020

Approved By: Shelley Darenburg

Date: 9/28/2020