

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: November 16, 2010

RE: **Resolution Awarding A Contract To Beliveau Engineering Contractors, Inc., The Lowest, Responsible, Responsive Bidder, For The Construction Of The 25<sup>th</sup> Street Mini Park Improvement Project (No. C377610) In Accord With Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of Four Hundred Seventy Thousand Dollars (\$470,000.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, or his designee, to award a construction contract to Beliveau Engineering Contractors, Inc. for the construction of the 25<sup>th</sup> Street Mini Park Improvement Project (No. C377610) in the amount of four hundred seventy thousand dollars (\$470,000.00).

Bid proposals for the construction of the project were submitted to the City on September 16, 2010. Beliveau Engineering Contractors, Inc. is the lowest, responsive and responsible bidder who has met the City's Compliance program requirements. The project consists of modifications to the irrigation and drainage system, fence replacement, new drinking fountain, new trees and shrubs, play and fitness equipment, rubberized play surface, concrete seating walls, ADA paved pathways, site lighting, site furnishing, storm drain connection and other related work as indicated in the plans and specifications. The project is located in Council District 3, as shown in *Attachment A*, Site Location Map.

### FISCAL IMPACT

Approval of the resolution will authorize a construction contract to Beliveau Engineering Contractors, Inc. in the amount of \$470,000.00 inclusive of the base bid and three additive alternates. Funding for the 25<sup>th</sup> Street Mini Park Improvement Project (C377610) construction and contingency contract is available from Measure WW, East Bay Regional Park District Local Bond Program, (Fund 2260), and Capital Project Management Organization (92270). The 1.5 percent for Public Art fee has been allocated from the project. Measure WW funding will not support on-going maintenance costs.

The City's Public Works Agency (PWA) will maintain the new improvements, which include modifications to the irrigation and drainage system, new fencing, drinking fountain, trees and shrubs, play and fitness equipment, rubberized play surface, concrete seating walls and ADA paved pathways, site lighting and site furnishing.

Item: \_\_\_\_\_  
Public Works Committee  
November 16, 2010

The cost to maintain the new park improvements (excluding landscaping) are estimated at \$16,000.00 per year and will increase to \$29,000.00 in 2014 when the plant establishment period ends.

There is a 3-year plant establishment period for the landscaping; the contractor will be responsible for the plant maintenance during the 3-year period. Funding for on-going maintenance after the 3-year plant establishment period (2014) has not been identified. PWA will request added funding from the General Purpose Fund in the FY 2011-13 Budget (and future budgets) for on-going maintenance of the 25<sup>th</sup> Street Mini Park Improvement Project. On-going labor and landscaping and irrigation system maintenance costs are estimated at \$43,000.00 annually. If funding is not adopted in FY 2011-13, PWA staff will be drawn from other areas of the City to perform on-going maintenance for the new improvements. Service levels for all other park maintenance are expected to decline.

## **BACKGROUND**

The 25<sup>th</sup> Street Mini Park is a quarter-acre corner parcel at 25<sup>th</sup> Street and Martin Luther King Jr. Way in West Oakland. The park was built over 20 years ago and due to deterioration and safety issues, the park was closed in 2004 until it could be rehabilitated. The City's General Plan – Open Space, Conservation and Recreation Element (OSCAR) was adopted in June 1996. The OSCAR report highlighted that West Oakland has a large number of mini parks and plazas with minimal recreational amenity for young children. The General Plan recommends improvements to the 25<sup>th</sup> Street Mini Park to provide a greater variety of recreational activities, such as new play apparatus, landscaping improvements and greater security to better serve the children and the community. These improvements were designed to encourage these activities and to discourage the activities that lead to the park closure.

The park is on the City's FY09-11 approved Park Prioritization Project list. In February 2009, under Resolution No. 81777 C.M.S., the City Council authorized appropriation of funds from the Measure WW - East Bay Regional Park District Local Bond Program for the project.

The park is located near the 980 Freeway and has had security and graffiti problems in the past. The new design enhances lighting and fencing, while preserving the viability of positive neighborhood use through community input. The initial concept planning started in 2004 with several community meetings. After project funds were approved staff and the design consultant continued to engage the community via Neighborhood Crime Prevention Council. (NCPC) meetings to discuss the proposed improvements obtain community consensus and input to re-open the 25<sup>th</sup> Street Mini Park.

The project was reviewed by the Parks and Recreation Advisory Committee (PRAC) and a Minor Conditional Use Permit was subsequently approved by the Planning Commission in May 2010.

## KEY ISSUES AND IMPACTS

On September 16, 2010, the City Clerk received four bids for the 25<sup>th</sup> Street Mini Park Improvement project. The bids ranged from \$428,000.00 to \$507,700.00 for the base bid. The engineer's estimate for the base bid is \$515,000.00. Three additive alternates were specified:

1. Installation of side walk under drain
2. One additional year of landscape maintenance
3. Connection of on-site storm drain to the street system on Martin Luther King, Jr. Way

The total bid amount, including additive alternates, was used to determine the low bidder. All three additive alternates will be awarded as part of this construction contract. Based on the bid discount granted for local and small local business participation, Beliveau Engineering Contractors, Inc. (Oakland) is the lowest responsive, responsible bidder with a total bid amount of \$470,000.00. The total contract amount is within the construction budget. *Attachment B* is the Canvass of Bids which lists the bidders for the project.

The City's L/SLBE and local trucking programs have been met by Beliveau Engineering Contractors, Inc. There will be L/SLBE participation of \$388,200.00 (84.94%), which exceeds the 20% L/SLBE requirements. The local trucking participation is \$11,000.00 (100%). 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 L/SLBE information has been verified by the Department of Contracting & Purchasing, Social Equity Division. Refer to *Attachment C*, Summary of Bids, for a complete summary of bids and alternates.

Upon approval of the resolution, a contract will be executed and construction is expected to begin in March 2011. The project duration is 120 working days from the date of the Notice to Proceed and completion is anticipated by August 2011. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 120 working days is exceeded. See *Attachment D* for the copy of the evaluation.

## PROJECT DESCRIPTION

The project scope of work, in general, consists of upgrading the irrigation and drainage system, replacing fencing, installing a new drinking fountain, trees, play and fitness equipment, rubberized play surface, concrete seating walls, ADA paved pathways, site lighting, site furnishing, and other related work as indicated in the plans and specifications.

## EVALUATION OF PAST PERFORMANCE

Beliveau Engineering Contractors, Inc. has performed effectively in a past project. It ranked "Satisfactory" overall for the roadway Restoration 549 Dwight Place Project completed in August 2009. See *Attachment E* for a copy of the evaluation.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The construction of the project will generate business tax, sales tax, and other revenues for the City.

***Environmental:*** The project will recycle construction debris to the extent feasible. New installations will incorporate sustainable design elements, and will utilize recycled-content materials wherever possible.

***Social Equity:*** The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act and all requirements related to disability and senior citizen access.

## **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council approve the resolution authorizing the City Administrator, or his designee, to award a construction contract to, Beliveau Engineering Contractors, Inc., for the 25<sup>th</sup> Street Mini Park Improvement Project No. (C377610) in the amount of four hundred seventy thousand dollars (\$470,000.00).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the proposed resolution.

Respectfully submitted,

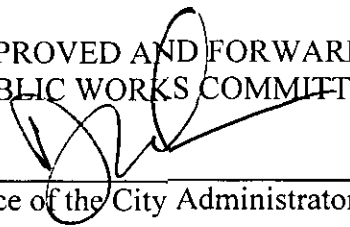


Vitaly B. Troyan, P.E.  
Interim Director, Public Works Agency

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

Prepared by:  
Sandra Ousley, CIP Coordinator  
Project Delivery Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

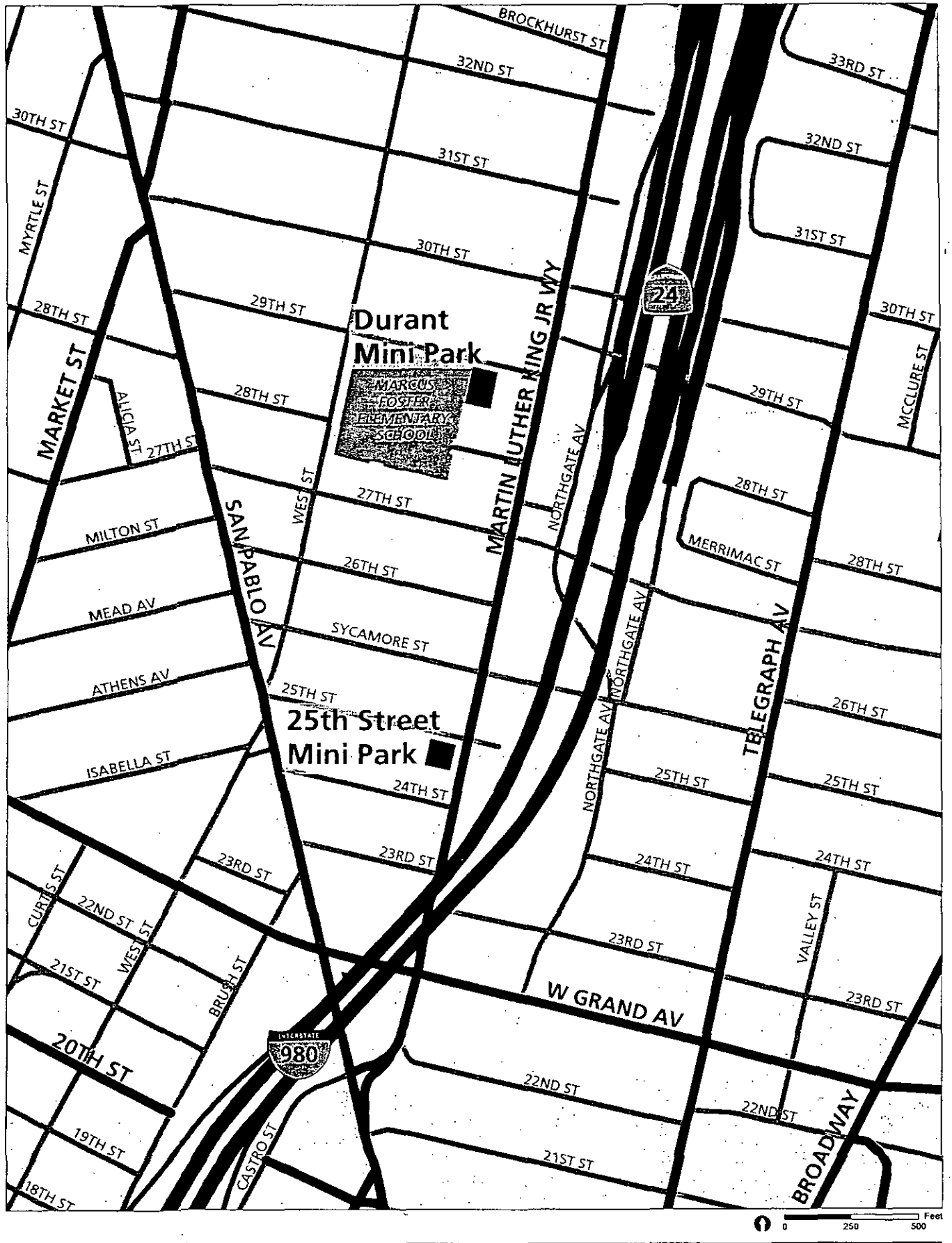


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Office of the City Administrator

- Attachment A: Site Location Map
- Attachment B: Summary of Bids
- Attachment C: Contract Compliance Analysis
- Attachment D: General Site Plan
- Attachment E: Contractor Performance Evaluation

Location Map:



ATTACHMENT B

CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
CONTRACT ADMINISTRATION  
CANVASS OF BIDS

PROJECT: 25TH STREET MINI PARK IMPROVEMENTS

BID DATE: SEPTEMBER 16, 2010

PROJECT #: C377610

WORKING DAYS: 120

ENGINEER'S ESTIMATE: \$515,000.00

ENGINEERS ESTIMATE				Mark Lee and Yong Kay, Inc. dba Bay Construction Co.	J.H. Fitzmaurice, Inc.	Belleau Engineering Contractors, Inc.	ABSL Construction
ITEM NO.	QUANTITY	CONTRACT ITEM	TOTAL AMOUNT	4026 Martin Luther King Jr. Way, Oakland, CA 94608 510-658-7225	2857 Hannah Street, Oakland, CA 94608 510-444-7561	5353 Claremont Ave, Oakland, CA 94618 510-595-1905	29334 Pacific Street, Hayward, CA 94544 510-727-0900
				Lump Sum	Lump Sum	Lump Sum	Lump Sum
1	1	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$ 515,000.00	\$ 507,700.00	\$ 428,000.00	\$ 443,000.00	\$ 500,000.00
ALTERNATES				Lump Sum	Lump Sum	Lump Sum	Lump Sum
1	1	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents. (Demolish (E) sidewalk and install new underdrain.	\$ 2,000.00	\$ 19,000.00	\$ 5,730.00	\$ 4,000.00	\$ 30,000.00
2	1	Maintenance - One additional year landscaping	\$ 7,000.00	\$ 9,900.00	\$ 6,000.00	\$ 8,000.00	\$ 10,000.00
3	1	The construction of a 6" HDPE Storm Drainage lateral to connect to Storm Drainage mainline approximately 70-ft away on the other side of MLK Jr. Way. Contractor shall identify all existing utilities, identify depths, and submit storm drainage lateral profile and connection details to City for approval prior to constructing lateral.	\$ 20,000.00	\$ 24,000.00	\$ 27,500.00	\$ 15,000.00	\$ 43,000.00
Grand Total			\$ 524,000.00	\$ 560,600.00	\$ 467,230.00	\$ 470,000.00	\$ 583,000.00

APPROVED BY: Gwen M. Cornick

10/4/2010

Comments:

1. There were 3 Addendums for this project.
2. All Alternates are included in the Grand Total.
3. \*\*Revised October 1, 2010 due to a minor irregularity in the language of the addendums, J.J. Fitzmaurice is now deemed responsive and responsible. All other bidders are deemed responsive and responsible.





ATTACHMENT C

Memo



Department of Contracting and Purchasing  
Social Equity Division

To: Sandra Ousley, Project Manager  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*  
 CC: Deborah Barnes, Director, DC&P  
 Gwen McCormick, Contract Administration Supervisor  
 Date: October 4, 2010  
 Re: C377610 - 25<sup>th</sup> Street Mini Park Improvements Project (includes alternates 1, 2 and 3)

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project. The analysis includes alternates 1, 2 and 3.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Beliveau Engineering Contractors, Inc.	\$470,000.00	84.94%	0%	84.94%	100%	84.94%	5%	\$446,500.00	2%	Y
J.H. Fitzmaurice, Inc.	\$467,230.00	78.28%	56.90%	21.38%	100%	42.76%	4%	448,540.80	0%	N

**Comments:** As noted, the above firms exceeded the minimum 20% L/SLBE participation requirement. Based on the 5% bid discount granted for local and small local business participation, Beliveau Engineering Contractors, Inc. has emerged as the lowest responsive bidder. J.H. Fitzmaurice, Inc. is not EBO certified. They will have to come into compliance prior to full contract execution.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Bay Construction Company	\$560,600.00	78.08%	0%	78.08%	0%	78.08%	0%	\$0	0%	Y
ABSL Construction, Inc.	\$583,000.00	17.59%	0%	17.59%	0%	0%	0%	\$0	0%	N

**Comments:** As noted, the above firms are deemed non-responsive. Bay Construction failed to meet the 20% L/SLBE trucking requirement. ABSL Construction failed to meet the minimum 20% L/SLBE participation requirement as well as the 20% L/SLBE trucking participation requirement. ABSL is not EBO compliant. They will have to come into compliance prior to full contract award.



**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. This project was less than 30 days, therefore the contractor was exempt from the City's LEP and 15% Apprenticeship programs.

**Contractor Name: Beliveau Engineering Contractors, Inc.**  
**Project Name: Roadway Restoration Near 549 Dwight Place**  
**Project No: G310910**

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

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

**15% Oakland Apprenticeship Program**

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

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

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
478.20	0	0%	0	0%	305.90	0	0	0%	0	0%	0	0

**Comments:** As indicated above Beliveau Engineering Contractor's Inc., last completed project with the City had 478.20 total project hours. LEP hours were 305.90. This project was less than 30 days, therefore the contractor was exempt from the City's LEP and 15% Apprenticeship programs. However, Beliveau Engineering Contractors Inc., exceeded the 50% LEP participation requirement.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C377610

RE: **25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)**

**CONTRACTOR:** Beliveau Engineering Contractors Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$515,000.00	\$470,000.00	\$45,000.00

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$446,500.00	\$23,500.00	5%

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **0.00%**

b) % of SLBE participation **84.94%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100%**

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **5%**

5. Additional Comments.

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

10/4/2010

Date

Reviewing Officer:

*Nina [Signature]*

Date: 10/4/2010

Approved By

*Shelley [Signature]*

Date: 10/4/2010

## LBE/SLBE Participation Bidder 1

Project Name: 25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)

Project No.: C377610		Engineer's Estimate: 515,000.00				Under/Over Engineers Estimate: 45,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE
PRIME Trucking Rubber Surface	Beliveau Engineering Contractors, Inc.	Oakland	CB		388,200.00	388,200.00			388,200.00	C		
	Williams Trucking	Oakland	CB		11,000.00	11,000.00	11,000.00	11,000.00	11,000.00	AA	11,000.00	
	Tot Turf	Chattanooga	UB						32,800.00	C		
Electric	Phoenix Electric	San Francisco	UB						38,000.00	AP	38,000.00	
<b>Project Totals</b>				\$0	\$399,200	\$399,200	\$11,000	\$11,000	\$470,000.00		\$49,000.00	\$0
				0.00%	84.94%	84.94%	100%	100%	100%		10.43%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377610

RE: 25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)

CONTRACTOR:

J.H. Fitzmaurice, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$515,000.00	\$467,230.00	\$47,770.00
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$448,540.80	\$18,689.20	4%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>56.90%</u>	
b) % of SLBE participation	<u>21.38%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>4%</u>	
5. Additional Comments.		

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

10/4/2010

Date

Reviewing Officer:

*Victoria [Signature]*

Date: 10/4/2010

Approved By

*Shelley [Signature]*

Date: 10/4/2010

## LBE/SLBE Participation Bidder 2

Project Name: **25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)**

Project No.: C377610		Engineer's Estimate: 515,000.00				Under/Over Engineers Estimate: 47,770						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn:	MBE	WBE
<b>PRIME</b>	J.H. Fitzmaurice, Inc.	Oakland	CB	265,842.00		265,842.00			265,842.00	C		
Trucking	Williams Trucking	Oakland	CB		3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	AA	3,000.00	
Recycling	Inner City Recycling	Oakland	UB						1,000.00	NL		
Surveying	PLS	Oakland	CB		3,310.00	3,310.00			3,310.00	C		3,310.00
Landscaping	Vic Soto	Milpitas	UB						34,000.00	NL		
Concrete	AJW Construction	Oakland	CB		76,700.00	76,700.00			76,700.00	H	76,000.00	
SiteFurnishing	Ross Recreation	Santa Roas	UB						7,177.00	NL		
Play Equipment	Gametime	Novator	UB						24,916.00	NL		
Safet Ruber	Playground Unlimited	Sunnyvale	UB						34,390.00	NL		
Electrical	Security Electric	Oakland	CB		16,895.00	16,895.00			16,895.00	NL		
<b>Project Totals</b>				\$265,842	\$99,905	\$365,747	\$3,000	\$3,000	\$467,230.00		\$79,000.00	\$3,310.00
				56.90%	21.38%	78.28%	100%	100%	100%		16.91%	0.71%
<b>Requirements:</b>				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise		UB = Uncertified Business						
				SLBE = Small Local Business Enterprise		CB = Certified Business						
				Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise						
				NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise						
				NPSLBE = NonProfit Small Local Business Enterprise								



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C377610

RE: **25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)**

**CONTRACTOR:** Bay Construction Co.

<u>Engineer's Estimate:</u> \$515,000.00	<u>Contractors' Bid Amount</u> \$560,600.00	<u>Over/Under Engineer's Estimate</u> (\$45,600.00)
<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0%
1. Did the 20% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 20% requirement		<b><u>YES</u></b>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>78.08%</u>	
3. Did the contractor meet the Trucking requirement?		<b><u>NO</u></b>
a) Total L/SLBE trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<b><u>NO</u></b>
(If yes, list the points received)	<u>0%</u>	
5. Additional Comments.		
Firm failed to meet the minimum 20% SLBE trucking requirement. Therefore, the firm is deemed non-responsive.		

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

10/4/2010

Date

Reviewing Officer:

*Maria J...*

Date: 10/4/2010

Approved By

*Shelley Daren...*

Date: 10/4/2010

## LBE/SLBE Participation Bidder 3

**Project Name:** 25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)

Project No.: C377610		Engineer's Estimate 515,000.00				Under/Over Engineers Estimate: 514,999						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn.	MBE	WBE
PRIME	Bay Construction	Oakland	CB		437,742.00	437,742.00			437,742.00	AP	437,742.00	
Fencing	Pisor Fence	Citrus Heights	UB						24,140.00	NL		
Play Structure	Gametime	Novato	UB						55,148.00	NL		
Electrical	W. Bradley Electric	Novato	UB						38,530.00	NL		
Installation	Playgrounds Unlimited	Sunnyvale	UB						5,040.00	NL		
<b>Project Totals</b>				0.00	437,742.00	437,742.00	0.00	0.00	560,600.00		\$437,742.00	\$0
				0.00%	78.08%	78.08%	0%	0%	100%		78.08%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE: 10%	SLBE: 10%	TRUCKING: 20%	LBE/SLBE: 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						





DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377610

RE: **25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)**

CONTRACTOR: ABSL Construction, Inc.

<u>Engineer's Estimate:</u> \$515,000.00	<u>Contractors' Bid Amount</u> \$583,000.00	<u>Over/Under Engineer's Estimate</u> (\$68,000.00)
<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>NO</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>17.59%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NO</u>
a) Total L/SLBE trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>NO</u>
(if yes, list the points received)	<u>0%</u>	
5. Additional Comments.		
Firm failed to meet the City's minimum 20% L/SLBE participation requirement and the 20% SLBE trucking requirement. Therefore, the firm is deemed non-responsive.		

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.  
10/4/2010  
Date

Reviewing Officer: [Signature] Date: 10/4/2010  
Approved By Shelley Damselberg Date: 10/4/2010

## LBE/SLBE Participation Bidder 4

Project Name: 25th Street Mini Park Improvements Project (includes alternates 1, 2 and 3)

Project No.: C377610		Engineer's Estimate			515,000.00			Under/Over Engineers Estimate: 514,999					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars				
										Ethnicity	MBE	WBE	
<b>PRIME</b>	ABSL Construction, Inc.	Hayward	UB						335,259.00	H	292,259		
Landscaping	RMT Landscape	Oakland	CB		66,650.00	66,650.00			66,650.00	H	66,650.00		
Electrical	Summerhill Electric	Oakland	CB		35,915.00	35,915.00			35,915.00	AA	35,915.00		
Rubber Surface	Tot Turf	Chattanooga	UB						40,176.00	C			
Site Furnishings	Ross Recreation	Santa Rosa	UB						61,000.00	NL			
Equipment Rental	United Rental	Oakland	UB						15,000.00	NL			
Fencing	Crusader	Sacramento	UB						29,000.00				
<b>Project Totals</b>					\$0	\$102,565.00	\$102,565.00	\$0	\$0	\$583,000.00		\$394,824.00	\$0
				0.00%	17.59%	17.59%	0%	0%	100%		67.72%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b>				LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLBE = NonProfit Local Business Enterprise		NPSLBE = NonProfit Small Local Business Enterprise	
				UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise			

CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
CONTRACT ADMINISTRATION  
CANVASS OF BIDS

PROJECT: 25TH STREET MINI PARK IMPROVEMENTS

BID DATE: SEPTEMBER 16, 2010

PROJECT #: C377610

WORKING DAYS: 120

ENGINEER'S ESTIMATE: \$515,000.00

ENGINEER'S ESTIMATE				Mark Lee and Yong Kay, Inc. dba Bay Construction Co.	J.H. Fitzmaurice, Inc.	Béliveau Engineering Contractors, Inc.	ABSL Construction
ITEM NO.	QUANTITY	CONTRACT ITEM	TOTAL AMOUNT	4026 Martin Luther King Jr. Way, Oakland, CA 94608 510-658-7225	2857 Hannah Street, Oakland, CA 94608 510-244-7561	5353 Claremont Ave, Oakland, CA 94618 510-595-1905	29334 Pacific Street, Hayward, CA 94544 510-727-0900
				Lump Sum	Lump Sum	Lump Sum	Lump Sum
1	1	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$ 515,000.00	\$ 507,700.00	\$ 428,000.00	\$ 443,000.00	\$ 500,000.00
ALTERNATES				Lump Sum	Lump Sum	Lump Sum	Lump Sum
1	1	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents. (Demolish (E) sidewalk and install new underdrain.	\$ 2,000.00	\$ 19,000.00	\$ 5,730.00	\$ 4,000.00	\$ 30,000.00
2	1	Maintenance - One additional year landscaping	\$ 7,000.00	\$ 9,900.00	\$ 6,000.00	\$ 8,000.00	\$ 10,000.00
3	1	The construction of a 6" HDPE Storm Drainage lateral to connect to Storm Drainage mainline approximately 70-ft away on the other side of MLK Jr. Way. Contractor shall identify all existing utilities, identify depths, and submit storm drainage lateral profile and connection details to City for approval prior to constructing lateral.	\$ 20,000.00	\$ 24,000.00	\$ 27,500.00	\$ 15,000.00	\$ 43,000.00
Grand Total			\$ 524,000.00	\$ 560,600.00	\$ 467,230.00	\$ 470,000.00	\$ 583,000.00

APPROVED BY:

*Gwen McCormick*

*10/4/2010*

Comments:

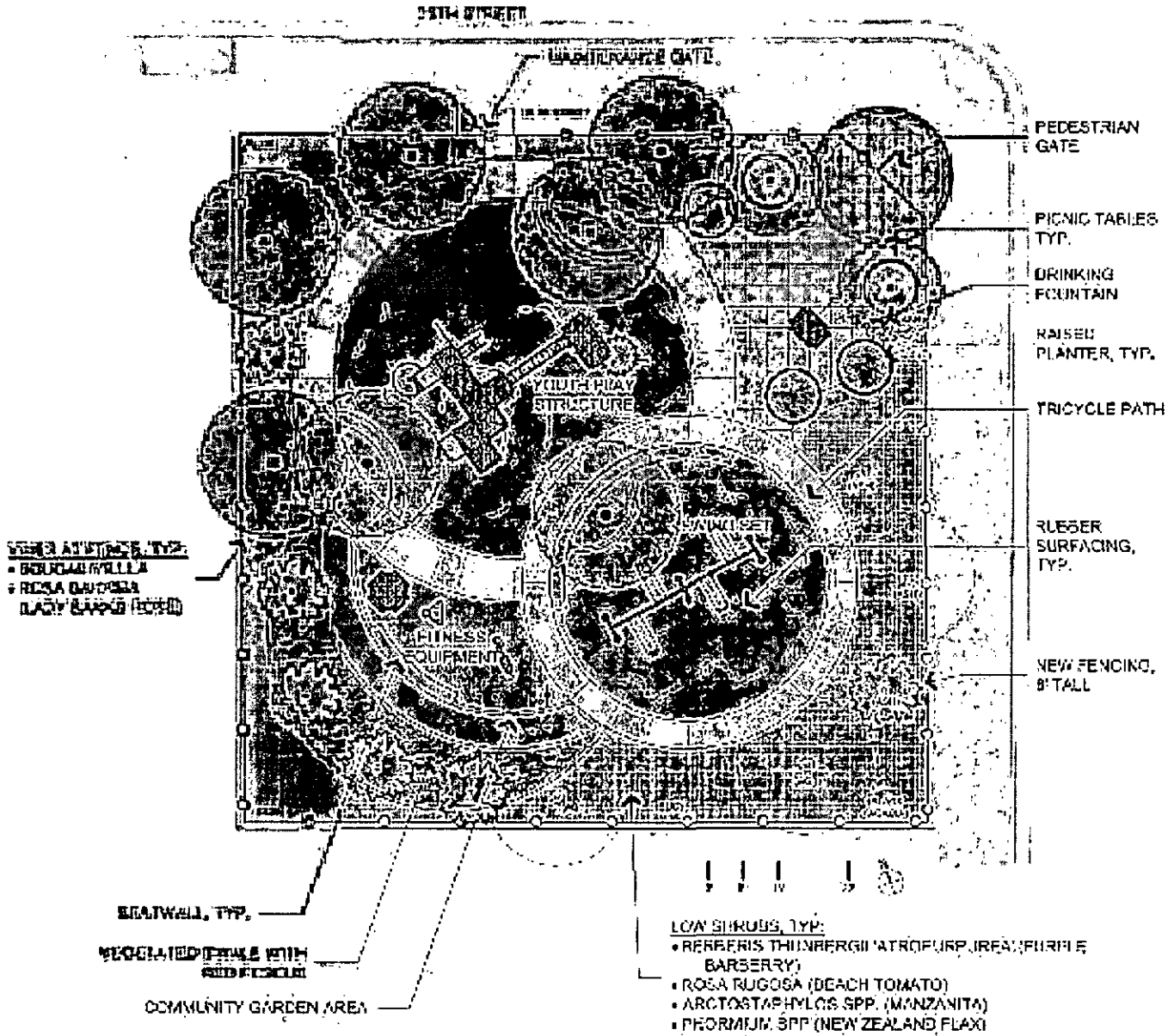
1. There were 3 Addendums for this project.
2. All Alternates are included in the Grand Total.
3. \*\*Revised October 1, 2010 due to a minor irregularity in the language of the addendums, J.J. Fitzmaurice is now deemed responsive and responsible. All other bidders are deemed responsive and responsible.



ATTACHMENT D

SITE PLAN

25th STREET MINI PARK



PLANT LEGEND



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

Project Number/Title: G310910 – Roadway Restoration near 549 Dwight Place

Work Order Number (if applicable): \_\_\_\_\_

Contractor: Beliveau Engineering Contractors, Inc

Date of Notice to Proceed: July 21, 2008

Date of Notice of Completion: August 25, 2008

Date of Notice of Final Completion: August 25, 2008

Contract Amount: \$139,926.00

Evaluator Name and Title: Phillip Fung, Civil Engineer (Field)

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

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

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

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

**ASSESSMENT GUIDELINES:**

<b>Outstanding</b> (3 points)	Performance among the best level of achievement the City has experienced.
<b>Satisfactory</b> (2 points)	Performance met contractual requirements.
<b>Marginal</b> (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
<b>Unsatisfactory</b> (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 type="checkbox"/>	<input checked="" 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.	<input type="checkbox"/>		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.	<input type="checkbox"/>			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 type="checkbox"/>	<input checked="" 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"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	

**COMMUNICATION**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
22	<b>Overall, how did the Contractor rate on communication issues?</b> The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

## OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7       2   X 0.25 =  .50
2. Enter Overall score from Question 13     2   X 0.25 =  .50
3. Enter Overall score from Question 18     2   X 0.20 =  .40
4. Enter Overall score from Question 22     2   X 0.15 =  .30
5. Enter Overall score from Question 28     2   X 0.15 =  .30

**TOTAL SCORE** (Sum of 1 through 5):   2  

**OVERALL RATING:**   2  

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

### PROCEDURE:

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

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


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


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

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

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

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

 11/5/08  
Contractor / Date

 11/5/08  
Resident Engineer / Date

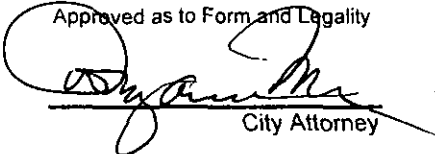
 11/6/08  
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

2010 NOV -4 PM **OAKLAND CITY COUNCIL**

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

**RESOLUTION AWARDING A CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, FOR THE CONSTRUCTION OF THE 25<sup>TH</sup> STREET MINI PARK IMPROVEMENT PROJECT (NO. C377610) IN ACCORD WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID THEREFORE IN THE AMOUNT OF FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$470,000.00)**

**WHEREAS**, four bids were received by the Office of the City Clerk on September 16, 2010, for the 25<sup>th</sup> Street Mini Park Improvement Project (No. C377610); and

**WHEREAS**, Beliveau Engineering Contractors, Inc., a certified local business, is the lowest responsible, responsive bidder, and has met the City's Local Business Program requirements and Equal Benefits Ordinance; and

**WHEREAS**, there are sufficient funds of \$515,000.00 available for the construction contract for the 25<sup>th</sup> Street Mini Park Improvement Project in Project No. C377610; Capital Project Organization (92270); and

**WHEREAS**, the City Administrator has determined that the construction contract approved hereunder is of a professional, scientific or technical and temporary nature, is in the public interest because of economy and that the City lacks the equipment and qualified personnel to perform the necessary work; and

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

**RESOLVED:** That the construction contract for the 25<sup>th</sup> Street Mini Park Improvement Project is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with project specifications and plans and terms of the contractor's bid therefore dated September 16, 2010, in the amount of four hundred seventy thousand dollars (\$470,000.00); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for this project that the Director of the Public Works Agency had prepared; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and material furnished due under the Unemployment Insurance Act for

100% of the contract price submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That on the basis of the City Administrator's determinations, the City Council finds that the construction contract approved hereunder is of a professional, scientific or technical and temporary nature, is in the public interest because of economy and that the City lacks the equipment and qualified personnel to perform the necessary work; and

**FURTHER RESOLVED:** That on the basis of the City Administrator's determinations, the City Council finds that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to execute any amendments or modifications of the contract with Beliveau Engineering Contractors, Inc. within the limitations of the project specifications; and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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