



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 SEP -2 AM 9:44
AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin

SUBJECT: Various Streets Rehabilitation

DATE: August 1, 2015

City Administrator
Approval

Date:

8/31/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution Awarding A Construction Contract To Gallagher & Burk Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Construction of Various Streets Rehabilitation (Project No. C476510) And With Contractor's Bid In The Amount Of Three Million Seven Hundred Nineteen Thousand Seven Hundred Nineteen Dollars (\$3,719,719.00).

OUTCOME

The work to be completed under this project is part of the City's street resurfacing program and includes streets from the City's Prioritized Paving Plan. The work is located throughout the City and a list of streets to be resurfaced is included as *Attachment A*.

BACKGROUND/LEGISLATIVE HISTORY

The proposed work consists of resurfacing approximately 5.1 centerline miles of City streets. The project includes: Asphalt Concrete (AC) base repair; AC Mill and Overlay; Replacement of traffic striping, Pavement markers, and pavement markings; Curb Ramp Construction; Curb and Gutter Repair; Sidewalk Repair; and other related work indicated on the plans and specifications.

The project also includes the installation of 3.0 centerline miles of bicycle lanes on 2nd Street, 8th Street, 9th Street, Madison Street, and Oak Street, as part of the City's Bicycle Master Plan. They were studied and approved as part of the Lake Merritt BART Station Area Plan. The new bike lanes will improve bicyclist access to Lake Merritt BART Station that, as of 2008, was the eighth

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busiest station for bicyclists out of the 43 stations in the BART system¹. The new bike lanes will also create a continuous bikeway through downtown, connecting the Measure DD improvements at Lake Merritt to Jack London Square and the San Francisco Bay Trail.

Funding for this project is provided by Alameda County Transportation Commission's (ACTC) One Bay Area Grant (OBAG), programmed through the Metropolitan Transportation Commission (MTC) using federal Surface Transportation Program (STP) funds. Streets selected are Federal Aid Urban (FAU) eligible as required by the STP program .

This project is part of the citywide program to improve pavement conditions. Oakland has a current backlog of \$443 million in pavement rehabilitation. While small in relation to the current backlog, this contract will prevent further deterioration of these streets. Construction work is anticipated to begin in January 2016 and should be completed by July 2016, weather permitting. The project schedule is shown in *Attachment B*.

ANALYSIS

On July 17, 2015, the City Clerk received one bid from Gallagher & Burk, Inc. for this project in the amount of \$3,719,719.00. Gallagher and Burk, Inc. is deemed a responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$3,753,731.21. Staff has reviewed the bid and has deemed that it is reflective of the current construction bidding environment.

The streets selected for this contract are from the City's Prioritized Paving Plan. In planning the work, consideration was given to known planned utility projects, such as sewer rehabilitation, gas, and water replacement, which would impact the planned street rehabilitation.

Under the proposed contract with Gallagher & Burk Inc., the Disadvantaged Business Enterprise (DBE) participation will be 10.01%, which exceeds the required 9.00% DBE requirement. The DBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

COORDINATION

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

¹ BART Station Profile Study, 2008

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with Gallagher & Burk, Inc. in the amount of \$3,719,719.00

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract \$3,719,719.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$3,719,719.00

3. SOURCE OF FUNDING:
 - Metropolitan Transportation Commission (MTC) federal Surface Transportation Program (STP) Fund (2163); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C476510); \$3,293,067.23;
 - Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$426,651.77

4. FISCAL IMPACT:
This resurfacing contract will rehabilitate and reconstruct selected streets, and improve existing pavement conditions, which will reduce the short-term street pavement maintenance demand on these resurfaced streets.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Gallagher & Burk, Inc. from a previously completed project was satisfactory and is included as *Attachment D*.

SUSTAINABLE OPPORTUNITIES

Economic: The street rehabilitation program improves paving conditions, enhancing and protecting the City's infrastructure. Street repair and rehabilitation contracts create job opportunities for local contractors. Streets in good condition reflect well on the community and indirectly improve the business climate.

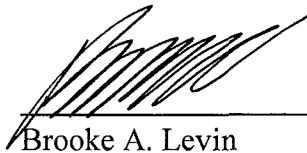
Environmental: Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible. This project will use several paving methods in various locations promoting recycling

Social Equity: The street rehabilitation program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions. The Pavement Management Program ensures that street rehabilitation funds are spent in a manner that is cost effective throughout the City.

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

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

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

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

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

Attachments (4)

Attachment A: Project Location List

Attachment B: Project Construction Schedule

Attachment C: Contracts & Compliance Unit Compliance Evaluation

Attachment D: Contractor Performance Evaluation

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Attachment A

**Citywide Street Resurfacing
(Project No. C476510)**

Project Location List

Street Location	From	To	Pavement Treatment	Length (Miles)
2nd St	Oak St	Washington St	2" Mill and 2" AC Overlay 2½" Mill and 2½" AC Overlay 4" Mill and 4" Overlay	0.6
8 th St	Castro St	MLK Way	2" Mill and 2" AC Overlay 4" Mill and 4" AC Overlay	0.05
8th St	Harrison St	Fallon St	2" Mill and 2" AC Overlay	0.4
11th St	Castro St	Clay St	2" Mill and 2" AC Overlay	0.2
12th St	ML King Jr. Way	Broadway	2" Mill and 2" AC Overlay	0.27
Brush	W Grand Ave	20th St	2" Mill and 2" AC Overlay	0.13
Golf Links Rd	82nd Av	Fontaine St	4" Mill and 4" AC Overlay	0.3
Golf Links Rd	Grass Valley Rd	Burgos Ave	2" Mill and 2" AC Overlay	1.6
Madison St	2nd St	19th St	2" Mill and 2" AC Overlay	0.9
Oak St	Fallon St	14th St	2" Mill and 2" AC Overlay 4" Mill and 4" AC Overlay	0.65

Total

5.1 Miles

Attachment B

**Citywide Street Resurfacing
(Project No. C476510)**

Project Construction Schedule

ID	Task Name	Duration	Start	Finish	2013						
					Dec	Jan	Feb	Mar	Apr	May	Jun
1	C476510 Various Streets Rehabilitation	120 days	1/1/2016	6/1/2016							
2	Construction	120 days	1/1/2016	6/1/2016							

List of Bidders

Company	Location	Bid Amount
Gallagher & Burk, Inc.	Oakland	\$3,719,719.00

Attachment C

*Citywide Street Resurfacing
(Project No. C476510)*

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: Alan Chan, Civil Engineer

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

SUBJECT: Compliance Analysis
Various Streets Rehabilitation
City Project No. C476510, Federal Project No. STPL-5012(125)

DATE: July 30, 2015

The City Administrator's Office, Contracts and Compliance Unit, reviewed one (1) bid 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 9.00% for this project.

Compliant		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	LPG/VSLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Gallagher & Burk, Inc.	\$3,719,719	10.01%%	71.05%	15.45%	0.00%	NA	NA	NA	NA	Y

Comments: As noted above, firm met or exceeded the 9.00% DBE goal for this project. The firm is EBO compliant.



For Informational Purposes

Listed below is the overview of compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Contractor Name: Gallagher & Burk
Project Name: Railroad Avenue Street Improvement Phase II
Project No. C330910

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

50% Local Employment Program (LEP)							15% Apprenticeship Program					
Total Project Hours	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
A	B	C		D		E	F	G	H	I		J
		Goal	Hours	Goal	Hours					Goal	Hours	
3204	0	50%	1602	50%	1602	0	0	100%	480	15%	480	0

Comments: Gallagher & Burk exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and did not meet the 15% Oakland Apprenticeship Program .

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



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C476510, Federal STPL-5012 (125)

PROJECT NAME: Various Streets Rehabilitation

CONTRACTOR: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$3,753,731.21	\$3,719,719.00	\$34,012.21

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

2. Did the contractor meet the DBE goal of 9.00% **YES**

b) % of DBE participation **10.01%**

c) % of LBE participation **71.05%**

d) % of SLBE participation **15.45%**

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

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

4. Additional Comments.

5. Date evaluation completed and returned to Contract **7/30/2015**

Reviewing Officer: *[Signature]*

Date: 7/30/2015

Approved By: *Shelley Aarenburg*

Date: 7/30/2015

DBE Participation Bidder 1

Project Name: **Various Streets Rehabilitation**

Project No.: C476510, Federal STPL-5012 (125)		Engineer's Est.		\$3,753,731.21						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	Gallagher & Burk, Inc.	Oakland	UB	\$2,642,861.50			\$2,642,861.50		\$2,642,861.50	C		
Trucking	Monore Trucking	Oakland	CB		\$34,200.00		\$34,200.00	\$34,200.00	\$34,200.00	AA	\$34,200.00	
Trucking	CJC Trucking	Oakland	CB		\$159,375.00		\$159,375.00	\$159,375.00	\$159,375.00	AA	\$159,375.00	
Trucking	Double D Transportation	Dublin	UB						\$32,000.00	NL		
Furnish & Haul	Chavez Trucking	Dixon	CB					\$178,587.50	\$178,587.50	H	\$178,587.50	
Minor Concrete	AJW Construction	Oakland	UB		\$381,000.00		\$381,000.00		\$381,000.00	H		
Striping & Misc.	Striping Graphics	Petaluma	UB						\$189,195.00	NL		
Surveying	Cunha Engineering, Inc.	Pinole	UB						\$102,500.00	NL		
Project Totals				\$2,642,861.50	\$574,575.00	\$0.00	\$3,217,436.50	\$372,162.50	\$3,719,719.00		\$372,162.50	\$0.00
				71.05%	15.45%	0.00%	86.50%	10.01%	100.00%		10.01%	0.00%
										Ethnicity		
										AA = African American		
										AI = Asian Indian		
										AP = Asian Pacific		
										C = Caucasian		
										HI = 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											

Attachment D

*Citywide Street Resurfacing
(Project No. C476510)*

Contractor Performance Evaluation

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

Project Number/Title: C388010 Various Streets and Roads Preventive Maintenance

Work Order Number (if applicable): _____

Contractor: Gallagher and Burke, Inc.

Date of Notice to Proceed: 12/20/10

Date of Notice of Completion: 8/22/13

Date of Notice of Final Completion: 8/22/13

Contract Amount: \$1,233,215.35

Evaluator Name and Title: Alan Chiang, Civil Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

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

- | | | | |
|---|----------|----------|-------------|
| 1. Enter Overall score from Question 7 | <u>2</u> | X 0.25 = | <u>0.50</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>0.50</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>0.4</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>0.30</u> |
| 5. Enter Overall score from Question 28 | <u>2</u> | X 0.15 = | <u>0.3</u> |

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

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

PROCEDURE:

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

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


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


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

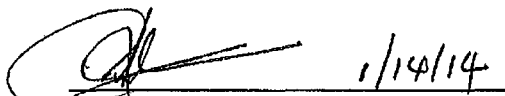
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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


Contractor / Date


Resident Engineer / Date


Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

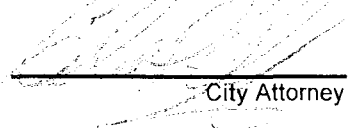
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

1. Microsurfacing emulsion did not meet the project specifications and this required the contractor to extend the warranty from 1 year to 3 years.
3. Extended warranty document stated above was not provided until 11/13/13 when it was originally requested on 6/6/2012.
8. Change Order work on Broadway was delayed for multiple months. Originally met with the contractor on 11/15/12 to review scope and plan to complete the work during the holiday season. City staff worked to ensure all agencies were notified so work could begin. Contractor did not begin work and did not provide a schedule for the work. City staff met with the contractor again on 5/15/13 in the field to discuss scope as work had not started.
- 20a. Despite repeated requests, the contractor did not provide a schedule for the additional concrete work on Broadway until June 2013. On Friday 6/7/13, the contractor started work without notifying the city or the nearby residents/business in advance which caused a significant public and traffic inconvenience in the downtown area. The work was scheduled to begin Saturday 6/8/13 to minimize inconvenience.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2015 AUG 32 PM 3:39

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF VARIOUS STREETS REHABILITATION (PROJECT NO. C476510) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SEVEN HUNDRED NINETEEN THOUSAND SEVEN HUNDRED NINETEEN DOLLARS (\$3,719,719.00)

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

WHEREAS, funding for this street resurfacing project is from the Alameda County Transportation Commission's (ACTC) One Bay Area Grant (OBAG), funded and programmed through the Metropolitan Transportation Commission (MTC) using federal Surface Transportation (STP) funds; and

WHEREAS, on July 17, 2015 one bid was received by the Office of the City Clerk of the City of Oakland for Various Streets Rehabilitation (Project No. C476510), and Gallagher & Burk, Inc., is deemed responsible and responsive bidder for the project, with a bid of \$3,719,719.00; and

WHEREAS, the grant requires contractors to meet federal Disadvantaged Business Enterprise (DBE) program requirements and Contractor meets these requirements; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

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

WHEREAS, the City Council adopted a City Prioritized Paving Plan on October of 2014 , representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, streets selected are from the City's Prioritized Paving Plan and are Federal Aid Urban (FAU) eligible; and

WHEREAS, the Department of Transportation has determined the project documents and plans are eligible for federal funding; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; now therefore be it

WHEREAS, sufficient funding is available in the following accounts:

- Metropolitan Transportation Commission (MTC) federal Surface Transportation Program (STP) Fund (2163); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C476510; \$3,293,067.23.
- Vehicle Registration Fee Fund (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C458810; \$426,651.77

RESOLVED: That the contract for Various Streets Rehabilitation (Project No. C476510) is awarded to Gallagher and Burk, Inc., the lowest responsive and responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated July 17th, 2015, in an amount of Three Million Seven Hundred Nineteen Thousand Seven Hundred Nineteen Dollars (\$3,719,719.00) and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$3,719,719.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$3,719,719.00, with respect to such work are hereby approved; and be it

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

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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