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OFFICE OF THE CITY CLERK  
OAKLAND

2010 JAN 28 PM 6:48

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: February 9, 2010

RE: **Resolution Awarding A Construction Contract To McGuire & Hester For The 12<sup>th</sup> Street Reconstruction Project (Project No. C241610) In Accordance With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Thirty Two Million Thirty-Six Thousand Four Hundred Eighteen Dollars and Fourteen Cents (\$32,036,418.14)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$32,036,418.14 to McGuire & Hester for the 12<sup>th</sup> Street Reconstruction Project (C241610). The work to be completed under this project is funded by a combination of Federal and State Grant funding and local Measure DD funds.

The project site is located in Council Districts 2 and 3 on the south end of Lake Merritt along 12<sup>th</sup> Street, between Oak Street and Lakeshore Avenue. This area, referred to as the "12<sup>th</sup> Street Corridor", is the main link between Downtown and East Oakland around Lake Merritt. The Lake Merritt Channel, hydrologically connecting the lake to the estuary, crosses the project area through a set of box culverts.

The project will replace the existing 12-lane expressway and seismically deficient bridges with a six-lane tree-lined boulevard. It will include a new bridge over the lake Merritt Channel surrounded by a four acre park. At the channel crossing, the existing set of culverts will be replaced with an open channel and a bridge for pedestrian traffic along with other amenities to improve Lake Merritt and to connect it with the surrounding neighborhood.

This project is a signature milestone on the City's Measure DD Program to dramatically improve Lake Merritt.

### FISCAL IMPACT

#### Capital Costs

The Engineer's Estimate is \$45,517,000.00 and the construction contract will be in the amount of \$32,036,418.14.

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The total construction budget is \$47.9 million. Thus, sufficient funds for the contract work are available from the following sources:

- \$26,560,000.00 - Measure DD: Oakland Trust for Clean Water and Safe Parks Fund (5321); Engineering Design: Streets and Structures Organization (92242); Project C393310.
- \$13,376,883.00 - Department of Transportation Fund (2116); Engineering Design: Streets and Structures Organization (92242); Project C393320.
- \$8,000,000.00 - State Coastal Conservancy (Proposition 50) Grant Fund (2159); Engineering Design: Streets and Structures Organization (92242); Project C393330. Grant funds will become available in FY 2010-11.

### Maintenance

#### ***Landscaping and Hardscape Maintenance:***

For landscaping improvements under this project, the construction contract includes a 36 month plant establishment period by the contractor to follow completion of construction. City staff will assume the maintenance responsibility after the plant establishment period in approximately 5 to 6 years. Public expectations of first-class maintenance of the new and renovated parks at Lake Merritt will be high.

#### ***Pedestrian Tunnel and Grade Separation Maintenance:***

All three existing pedestrian tunnels, two grade separation structures, and storm drainage pumps will be removed by the project; reducing future maintenance needs. See the key issues and impacts section of this report for more discussion of maintenance.

### **BACKGROUND**

In 2002 City Council approved the Lake Merritt Park Master Plan which called for the reconfiguration of roadways at the south end of Lake Merritt. The new configuration will calm traffic, by eliminating the current freeway-style roadway that essentially cuts off access from the Lake to the Channel. It will allow construction of a large shoreline park, add bike lanes and pedestrian pathways, re-connect the Lake with the surrounding neighborhoods, and open the Lake Merritt Channel to improve water quality and wildlife habitat.

In November 2002, the citizens of Oakland passed Measure DD, a \$198 million bond measure to fund several projects related to Clean Water and Safe Parks. The 12<sup>th</sup> Street project was included in this bond measure. Project design began in 2004 and finished in 2006. The project was

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advertised and in November 2006, one bid was received. However, that bid exceeded the engineer's estimate by 26% and was rejected in March 2007.

Between 2007 and 2009, City Staff extended the various regulatory permits and also applied for federal bridge-replacement funding to augment the existing local funding. A \$13.3 million federal grant was approved in September 2009 and the project was re-advertised in early October 2009.

On December 3, 2009, the City Clerk received seven bids for this project ranging from \$31,187,687.60 to \$42,180,631.20 as shown in *Attachment A*. This project is subject to the Race Conscious Underutilized Disadvantaged Business Enterprise Program (RCUDBE) with a goal of 3.3% as described in *Attachment B*. Bidders No. 1 and No. 2, Ghilotti Bros/Disney JV and Diablo Contractors, were deemed non-responsive. Bidder No. 3, McGuire & Hester, is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award.

The Engineer's Estimate for the work is \$45,517,000.00; the low bid is 29.6% under this estimate. The difference between the Engineer's Estimate and the bids is a reflection of the current economic conditions for the construction industry and resulting positive bidding climate for these types of projects.

Because of the federal funding, Department of Transportation program guidelines are used to administer this project. This project has a required Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) goal of 3.3%. McGuire & Hester has a 4.1% Race Conscious UDBE participation, which exceeds the UDBE goal. The Race Conscious Underutilized Disadvantaged Business Enterprise has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment B*.

Also included in *Attachment B*, for informational purposes only, is a review of the Local and Small Local Business Enterprise (L/SLBE) participation. McGuire & Hester has a 55.8% (L/SLBE) proposed participation.

## **KEY ISSUES AND IMPACTS**

The project will implement a major component of the Lake Merritt Master Plan and Measure DD, the Oakland Trust for Clean Water and Safe Parks bond measure.

As a condition to receive federal funding from the U.S. Department of Transportation (DOT), the Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) Program, in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 applies. Oakland cannot apply the Local and Small Local Business Enterprise (L/SLBE) Program to this project because program requirements are based on geographical preference and DOT regulations prohibit the use of geographical criteria in selecting the contractor.

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Construction is scheduled to begin by spring 2010, weather permitting, and should be completed in 2012. The contract specifies \$11,900.00 in liquidated damages per calendar day if the contract is not completed within 500 working days. The project schedule is shown in *Attachment A*.

Currently Lake Merritt has a park maintenance staff of 2 FTE, down from 6 FTE in 2006. To maintain the grounds of this project at acceptable levels, an estimated five additional FTE (\$500,000.00) and associated O&M including equipment, materials and utilities (\$100,000.00) will be required in the Public Works Agency by the time this project's plant establishment period is completed in 2015.

## **PROJECT DESCRIPTION**

As described in the Lake Merritt Master Plan, the 12<sup>th</sup> Street Reconstruction project involves the reconfiguration of the roadways at the south end of Lake Merritt. The existing twelve-lane expressway across the 12<sup>th</sup> Street dam will be changed into a six-lane tree-lined boulevard with signalized intersections. The reduced roadway width will allow for the construction of a large shoreline park with a public restroom, turf areas, a promenade, and bicycle and pedestrian paths and will provide safer access for pedestrians and cyclists along the perimeter of Lake Merritt.

The grade separation structures and the existing culverts will be replaced with clear-spanning vehicle and pedestrian bridges, allowing improved tidal circulation into the lake and enhancing water quality and wildlife habitat. Access to the Kaiser Convention Center and Laney College will be improved with at-grade signalized crossings. The existing pedestrian tunnels will be eliminated.

Direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be established, allowing eventual easy access to the Bay Trail and waterfront. This will create stronger linkages to the Estuary, Lake Merritt, and the surrounding neighborhoods; thus transforming this underutilized, unsafe area into a vibrant urban space. An artist rendering is shown in *Attachment D*.

## **EVALUATION OF PAST PERFORMANCE**

The most recent Contractor Performance Evaluation (Schedule L-2) for McGuire & Hester indicates an overall rating of satisfactory, as shown on *Attachment C*.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The 12<sup>th</sup> Street Reconstruction project will enhance the physical appearance of the Lake, which will attract more visitors to the neighborhood, providing the potential for further economic development in the area.

The contractor exceeds the Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) requirement with 4.1% participation and complies with the Equal Benefits Ordinance (EBO).

The project will also generate jobs for Oakland residents, business tax, sales tax, and other revenues for the City by those who work on the project. As listed on *Attachment B*, while no minimum levels were required on this project, McGuire & Hester has a 55.8% Local and Small Local Business Enterprise (L/SLBE) proposed participation.

**Environmental:** The proposed culvert removal and bridge replacement will significantly improve the natural tidal circulation into Lake Merritt and enhance wildlife habitat and water quality. A new tidal marsh will restore vital habitat that was destroyed by fill over a century ago. In addition, the proposed design also includes a tree-lined boulevard designed to create the largest possible open space adjacent to the lake. Finally, improved access to the shoreline and channel will enhance environmental and educational opportunities.

The Best Management Practices (BMPs) are specified in the contract documents for this project to ensure protection of Lake Merritt. The project Contractor will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction. The SWPPP will address sediment controls and waste management and materials pollution controls during construction.

**Social Equity:** A shoreline park will be created and will include new recreational elements. In addition, direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be provided, allowing eventual easy access to the Bay Trail and waterfront and increasing the social connection between these neighborhoods and improving Lake access for all Oaklanders.

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

The design for the 12<sup>th</sup> Street Reconstruction project includes improved access from the Kaiser Convention Center and Laney College to Lake Merritt. All pathways will be in compliance with the physical access requirements of the Americans with Disabilities Act (ADA), providing equal opportunity and access along Lake Merritt and to the Channel Park.

#### **RECOMMENDATION AND RATIONALE**

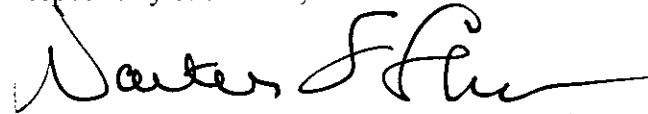
It is recommended that the City Council approve the resolution authorizing the award of a construction contract to McGuire & Hester, the lowest responsive and responsible bidder, in the amount of \$32,036,418.14 for the construction of 12<sup>th</sup> Street Reconstruction Project (Project No. C241610).

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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Walter S. Cohen, Director  
Community and Economic Development Agency


Reviewed by:

Michael Neary, P.E., Deputy Director,  
CEDA, Department of Engineering and Construction

Prepared by:

Jaime Heredia, P.E., Supervising Civil Engineer  
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

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*Attachment A*

**12<sup>th</sup> Street Reconstruction Project**




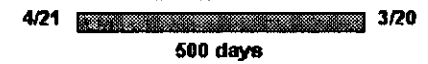
**City Project No. C241610**

**Federal Project No. BRLS-5012(085)**

**List of Bidders**

<b>Company</b>	<b>Bid Amount</b>
Ghilotti Brothers/Disney-Joint Venture	\$31,187,687.20
Diablo Contractors, Inc.	\$31,558,448.00
McGuire & Hester	\$32,036,418.14
Gallagher & Burk Inc./R.L. Brosamer-Joint Venture	\$32,975,357.50
RGW Construction, Inc.	\$33,553,307.20
Top Grade Contraction/Flatiron-Joint Venture	\$34,816,527.40
California Engineering Contractors, Inc.	\$42,180,631.20

**Project Construction Schedule**

<input type="checkbox"/> 12th Street Reconstruction Project (C241610)	599 days	Thu 12/3/09	Tue 3/20/12	<b>12th Street Reconstruction Project (C241610)</b> 12/3  599 days  Bid Opening ◆ 12/3  Contract Award 12/4  68 days Contract Execution 3/10  30 days  Construction 4/21  500 days
<b>Bid Opening</b>	0 days	Thu 12/3/09	Thu 12/3/09	
<b>Contract Award</b>	68 days	Fri 12/4/09	Tue 3/9/10	
<b>Contract Execution</b>	30 days	Wed 3/10/10	Tue 4/20/10	
<b>Construction</b>	500 days	Wed 4/21/10	Tue 3/20/12	

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*Attachment B*

**12<sup>th</sup> Street Reconstruction Project**

**City Project No. C241610**

**Federal Project No. BRLS-5012(085)**

**Department of Contracting and Purchasing (DC&P)**

**Compliance Analysis**

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# Memo

## Department of Contracting and Purchasing

Social Equity Division



To: Jose Martinez, Civil Engineer  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes - DC & P Director  
 Shelley Darenburg - Senior Contract Compliance Officer *S. Darenburg*  
 CC: Gwen McCormick - Contract Administrator Supervisor  
 Date: December 18, 2009  
 Re: C241610 - 12<sup>th</sup> Street Reconstruction Project - DBE Project

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed seven (7) bids in response to the above referenced project. This project is funded by Caltrans and subject to the Race Conscious Underutilized Disadvantaged Business Enterprise Program (RCUDBE). Below is the outcome of the compliance evaluation for the RCUDBE goal and for informational purposes only a review of Local and Small Local Business Enterprise (L/SLBE) participation. Also included is a preliminary review for compliance with the Equal Benefits Ordinance (EBO). The RCUDBE goal for this project is 3.3%.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$32,036,418.14	4.10%	50.89%	4.88%	NA	NA	NA	NA	NA	Y

**Comments:** As noted, McGuire & Hester met and/or exceeded the RC UDBE goal. Additionally, they have awarded a total of 50.15% Local Business Enterprise (LBE) and 4.95% Small Local Business Enterprise (SLBE) participation. The firm is EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ghilotti Bros/Disney JV	\$31,187,687.60	4.05%	10.42%	2.08%	NA	NA	NA	NA	NA	N
Diablo Contractors	\$31,558,448.20	4.91%	1.43%	4.91%	NA	NA	NA	NA	NA	N
Gallagher & Burk-Brosamer, JV	\$32,975,357.50	1.52%	5.91%	3.80%	NA	NA	NA	NA	NA	Y
R.GW Construction	\$33,553,307.20	4.26%	8.57%	.52%	NA	NA	NA	NA	NA	N
Top Grade/Flatiron JV	\$34,816,527.40	2.09%	7.20%	0%	NA	NA	NA	NA	NA	N
California Engineering Contractors, Inc.	\$42,180,631.20	1.13%	5.26%	.59%	NA	NA	NA	NA	NA	N

**Comments:** As noted the above, Gallagher & Burk, Top Grade/Flatiron JV and California Engineering Contractors, Inc. failed to meet the 3.3% RC UDBE goal. Ghilotti Bros/Disney JV and Diablo Contractors both met the goal, however, the project specifications, Section 9-3.4, Mobilization states in part, "When a bid item for mobilization is included in the Proposal form, the bid amount shall not exceed 6% of the total contract amount. Both firms listed \$3,100,000 or 9.94% and 9.822% in mobilization fees of 9.94% and 9.82% respectively. Therefore, Ghilotti Bros/Disney JV and Diablo Contractors exceeded the mobilization allowed per the project specifications. Additionally Diablo Contractors failed to list suppliers at the time of bid as required by the Schedule R—Subcontracting, Supplier and Truckers Listing. RGW Construction and California Engineering Contractors, Inc. both had clerical errors in their bids. Therefore, as noted above, all firms were deemed non-responsive.

**For Informational Purposes**

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

**Contractor Name:** NA  
**Project Name:** NA  
**Project No.** NA

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

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

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	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.

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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

**Comments:** The Local Employment Program (LEP) and Apprenticeship Programs are not applicable. This is a RC UDBE project.

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 :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project

**CONTRACTOR:** McGuire & Hester

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$45,517,000.00	\$32,036,418.14	\$13,480,581.86

<b>Discounted Bid Amount:</b>	<b>Amt. of Bid Discount</b>	<b>Discount Points:</b>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **YES**
  - a) % of RC UDBE participation **4.10%**
  - b) % of LBE participation **50.89%**
  - c) % of SLBE participation **4.88%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **4.10%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract **12/18/2009**

**Reviewing Officer:**

*[Signature]*

**Date:** 12/18/2009

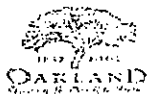
**Approved By:**

*[Signature]*

**Date:** 12/18/2009

## UDBE Participation Bidder 3

Project Name: 12th Street Reconstruction Project													
Project No.: C241610		Engineer's Est. \$45,517,000.00						Under/Over Engineer's Est. 13,480,581.86					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	McGuire & Hester	Oakland	UB	15,860,633.14		15,860,633.14			15,860,633.14	C			
Sanblasting	Stump & Sons, Inc.	Oakland	UB		201,000.00	201,000.00			201,000.00	C			
AC Supply	Vulcan Materials	Livermore	UB						852,000.00	C			
Concrete	Cemex	Eldorado Hills	UB						790,000.00	C			
Trucking	CJC Trucking	Oakland	CB		180,000.00	180,000.00		180,000.00	180,000.00	AA		180,000.00	
Trucking	STI Trucking	Newark	CB					180,000.00	180,000.00	C			180,000.00
Trucking	Williams Trucking	Oakland	CB		954,000.00	954,000.00		954,000.00	954,000.00	AA		954,000.00	
Stie Demo	DeKay Demolition	Oakland	UB		226,950.00	226,950.00			226,950.00	C			
Rebar	Alamillo Rebar	Vallejo	UB						463,752.00	C			
Structural Demolition	Silverado Contractors	Oakland	UB	442,000.00		442,000.00			442,000.00	C			
Pedestrian Bridge	Excel Bridge Mfg.	Santa Fe	UB						249,000.00	C			
Precast Concrete	Foundation Constructors, Inc.	Oakley	UB						4,915,483.00	C			
Fencing	Ahlborn Fence	Santa Rosa	UB						376,000.00	C			
Concrete	Pacific International Group	Bellingham	UB						2,933,000.00	C			
Painting	Redwood Painting Co.	Pittsburg	UB						253,000.00	C			
Electrical	Columbla Electric	San Leandro	UB						3,159,600.00				
<b>Project Totals</b>				\$16,302,633.14	\$1,561,950.00	\$17,864,583.14	\$0.00	\$1,314,000.00	\$32,036,418.14		\$0.00	\$1,134,000.00	\$180,000.00
				50.89%	4.88%	55.76%	0.00%	4.10%	100%		0.00%	3.54%	0.56%
Legend										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized-Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project

**CONTRACTOR:** Ghilotti Bros/Disney JV

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$45,517,000.00	\$31,187,687.60	\$14,329,312.40

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **YES**
  - a) % of RC UDBE participation **4.05%**
  - b) % of LBE participation **10.42%**
  - c) % of SLBE participation **2.08%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **4.15%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**

6. Additional Comments.

**Project Specifications—Section 9-3.4, Mobilization, states in part "When a bid item for mobilization is included in the Proposal form the bid amount shall not exceed 6% of the total contract amount." The contractor listed mobilization fees of \$3,100,000 or 9.94% of the total contract amount, which exceeds six percent (6%) limit. Therefore, per the Project Manager, the firm is deemed non-responsive.**

7. Date evaluation completed and returned to Contract 12/18/2009

Reviewing Officer: [Signature]

Date: 12/18/2009

Approved By: Shelley Sorenburg

Date: 12/18/2009

## UDBE Participation Bidder 1

Project Name: 12th Street Reconstruction Project													
Project No.: C241610		Engineer's Est. \$45,517,000.00					Under/Over Engineer's Est. 14,328,312.40						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Ghilotti Bros/Disney JV	San Rafael	UB						14,757,187.60	C			
Cellular Concrete	Cell-Crete Corp.	San Leandro	UB						2,400,000.00	C			
Handrail	Alborn Structural Steel	Santa Rosa	UB						493,000.00	C			
Striping	Lineation Markings Corp.	Oakland	UB		103,000.00	103,000.00			103,000.00	C			
PCOP	R.E. Maher, Inc.	American Canyon	UB						750,000.00	C			
Landscape	RMT Landscape	Oakland	CB	1,500,000.00		1,500,000.00	1,500,000.00		1,500,000.00	H	1,500,000.00		
Electrical	Saint Francis	San Leandro	UB						2,800,000.00	C			
Concrete	Central Concrete	San Jose	UB	100,000.00		100,000.00			100,000.00	C			
Asphalt	Gallagher & Burk	Oakland	UB	900,000.00		900,000.00			900,000.00	C			
Trucking	CJC Trucking	Oakland	CB		400,000.00	400,000.00		400,000.00	400,000.00	AA		400,000.00	
Trucking	STI Trucking	Newark	CB					400,000.00	400,000.00	H			400,000.00
Trucking	S&S Trucking	Oakland	CB		70,000.00	70,000.00	70,000.00		70,000.00	H	70,000.00		
Rebar	Alamillo	Benicia	UB						450,000.00	NL			
Demolition	Silverado Contractors	Oakland	UB	450,000.00		450,000.00			550,000.00	C			
Pile Driving	Foundation Constructors	Oakley	UB						4,500,000.00	NL			
Ped. Bridge	Excel	Santa Fe	UB						250,000.00	NL			
Concrete	Central Concrete	Oakland	UB	300,000.00		300,000.00			300,000.00	C			
Pipe & WPC Materials	Water Components	San Rafael	CB					25,000.00	25,000.00	C			25,000.00
Construction Area Signs	Schotka Construction	American Canyon	CB					10,000.00	10,000.00	C			10,000.00
SWPP & Land Plan	Adanta, Inc.	Napa	CB					4,500.00	4,500.00	NA			4,500.00
Trucking	Sudden Sam	Oakland	CB		75,000.00	75,000.00		75,000.00	75,000.00	AA		75,000.00	75,000.00
Trucking	Economy Trucking	Union City	CB					350,000.00	350,000.00	AI			350,000.00
<b>Project Totals</b>				\$3,250,000.00	\$648,000.00	\$3,898,000.00	\$1,570,000.00	\$1,284,500.00	\$31,187,687.60		\$1,570,000.00	\$475,000.00	\$864,500.00
				10.42%	2.08%	12.50%	5.03%	4.05%	100%		5.03%	1.52%	2.77%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise											



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project



**CONTRACTOR:** Diablo Contractors

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$45,517,000.00	\$31,558,448.20	\$13,958,551.80

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A



- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **YES**
  - a) % of RC UDBE participation **4.91%**
  - b) % of LBE participation **1.43%**
  - c) % of SLBE participation **4.91%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **4.91%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**

6. Additional Comments.

Project Specifications--Section 9-3.4, Mobilization, states in part "When a bid item for mobilization is included in the Proposal form the bid amount shall not exceed 6% of the total contract amount." The contractor listed mobilization fees of \$3,100,000 or 9.82% of the total contract amount, which exceeds the six percent (6%) limit. Therefore, per the Project Manager, the firm is deemed non-responsive.

7. Date evaluation completed and returned to Contract 12/18/2009

**Reviewing Officer:**

**Date:** 12/18/2009

**Approved By:**

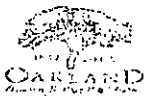
**Date:** 12/18/2009

## UDBE Participation Bidder 2

Project Name: 12th Street Reconstruction Project

Project No.: C241610		Engineer's Est. \$45,517,000.00					Under/Over Engineer's Est. \$13,958,561.80						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Diablo Contractors, Inc.	San Ramon	UB						22,558,448.20				
Trucking	Dillard	Byron	CB		1,000,000.00	1,000,000.00		1,000,000.00	1,000,000.00	C			
MBGR	Focon	Oakland	CB		550,000.00	550,000.00		550,000.00	550,000.00	C		1,000,000.00	1,000,000.00
Cellular Fill	Pacific International	Bellingham, WA	UB						2,700,000.00	AA		550,000.00	
Demolition	Silverado Contractors	Oakland	UB	350,000.00		350,000.00			350,000.00	NL			
Electrical	Columbia Electric	San Leandro	UB						3,300,000.00	C			
Flatwork	RE Maher	American Canyon	UB						1,000,000.00	NL			
Rebar	Alamillo Steel	Vailejo	UB	100,000.00		100,000.00			100,000.00	C			
<b>Project Totals</b>				\$450,000.00	\$1,550,000.00	\$2,000,000.00	\$0.00	\$1,550,000.00	\$31,558,448.20		\$0.00	\$1,550,000.00	\$1,000,000.00
				1.43%	4.91%	6.34%	0.00%	4.91%	100%		0.00%	4.91%	3.17%
										Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise											





**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project

**CONTRACTOR:** Gallagher & Burk-Brosamer, JV

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$45,517,000.00	\$32,975,357.50	\$12,541,642.50

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **NO**
  - a) % of RC UDBE participation **1.52%**
  - b) % of LBE participation **5.91%**
  - c) % of SLBE participation **3.80%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **1.52%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

**Firm failed to meet the 3.3% RCUDBE goal and did not submit a Good Faith Effort (GFE). Therefore the firm is deemed non-responsive.**

7. Date evaluation completed and returned to Contract 12/18/2009

Reviewing Officer:

Vitai

Date: 12/18/2009

Approved By:

Shelley Darenburg

Date: 12/18/2009

# UDBE Participation

## Bidder 4

Project Name: 12th Street Reconstruction Project													
Project No.: C241810		Engineer's Est. \$45,517,000.00						Under/Over Engineer's Est. \$12,541,642.50					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBEWBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Gallagher & Burk-Brosamer, JV	Oakland	UB						20,313,974.50	C			
Piledriving	Foundation Constructors, Inc.	Oakley	UB						1,847,000.00	C			
Electrical	Columbia Electric	San Leandro	UB						3,162,000.00	C			
Sheetpiling	Blue Iron	West Sacramento	UB						850,000.00	C			
Steel Bridge	Adams & Smith	Linden	UB						364,000.00	C			
Guardrail	Alhbohn	Santa Rosa	UB						456,000.00	C			
Demolition	Silverado Contractors	Oakland	UB		561,000.00	561,000.00			561,000.00	C			
Rebar	Alamillo Rebar	Vallejo	UB						468,000.00	C			
Restroom Bldg.	Liberty Builders	Oakland	UB						176,000.00	AA			
Trucking	Sudden Sam	Oakland	CB		100,000.00	100,000.00		100,000.00	100,000.00	AA		100,000.00	
Trucking	Monroe Trucking	Oakland	CB		100,000.00	100,000.00		100,000.00	100,000.00	AA		100,000.00	
Trucking	Williams Trucking	Oakland	CB		150,000.00	150,000.00		150,000.00	150,000.00	AA		150,000.00	
Trucking	CJC Trucking	Oakland	CB		150,000.00	150,000.00		150,000.00	150,000.00	AA		150,000.00	150,000.00
Supply Cement	Lehigh Hanson Cement	San Ramon	UB						50,000.00	NL			
Supply AB & Dumpsite	Aman Environmental	Oakland	UB	150,000.00		150,000.00			150,000.00	C			
Striping	Lineations Marking	Oakland	UB		100,000.00	100,000.00			100,000.00	C			
Clear & Grub	DeKay Demolition	Oakland	UB		93,700.00	93,700.00			93,700.00	O			
Minor Concrete	MF Maher	Vallejo	UB						2,000,000.00	C			
Pavers	European Paving Design	San Jose	UB						83,683.00	C			
Planting & Irrigation	RMT Landscape	Oakland	CB	1,800,000.00		1,800,000.00	1,800,000.00		1,800,000.00	H	1,800,000.00		
<b>Project Totals</b>				\$1,950,000.00	\$1,254,700.00	\$3,204,700.00	\$1,800,000.00	\$500,000.00	\$32,975,357.50		\$1,800,000.00	\$500,000.00	\$150,000.00
				5.91%	3.80%	9.72%	5.46%	1.52%	100%		5.46%	1.52%	0.45%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise											



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project



**CONTRACTOR:** RGW Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$45,517,000.00	\$33,553,307.20	\$11,963,692.80

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A



- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **YES**
  - a) % of RC UDBE participation **4.26%**
  - b) % of LBE participation **8.57%**
  - c) % of SLBE participation **0.52%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **4.26%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

**Firm met the 3.3% UDBE goal. However, firm was deemed non-responsive due to clerical errors in its bid.**

7. Date evaluation completed and returned to Contract **12/18/2009**

**Reviewing Officer:**

**Date:** 12/18/2009

**Approved By:**

**Date:** 12/18/2009

## UDBE Participation Bidder 5

Project Name: 12th Street Reconstruction Project													
Project No.: C241610		Engineer's Est. \$45,517,000.00					Under/Over Engineer's Est. \$11,963,692.80						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	RGW Construction	Livermore	UB						12,228,864.20	C			
Pedestrian	Excel Bridge	Santa Fe	UB						250,000.00	C			
Concrete	Central Concrete	San Jose	UB						359,000.00	C			
Demolition	Dekey Demolition	Oakland	UB		175,000.00	175,000.00			175,000.00	C			
Pile Driving	Foundation Constructors	Oakley	UB						5,242,159.00	C			
Rebar	CMC Rebar	Stockton	UB						454,398.00	O			
Minor Concrete	M.F. Maher	Vallejo	UB						1,943,944.00	C			
Top Soil	RMT Landsape	Oakland	CB	373,409.00		373,409.00	373,409.00		373,409.00	H	373,409.00		
Electrical	Columbia Electric	San Leandro	UB						3,490,775.00	C			
Dredging	Vortex	Oakland	UB						297,979.00	C			
Vibrating Monitoring	RMA Group	Livermore	UB						172,490.00	C			
Trucking	STI Trucking	Newark	CB					1,430,000.00	1,430,000.00	H		1,430,000.00	1,430,000.00
Fence	Tom's Metal	San Francisco	UB						759,653.00	C			
Asphalt	Vulcan	Livermore	UB						803,990.00	C			
Painting	Redwood Painting	Pittsburg	UB						239,685.00	C			
Demolition	Silverado	Oakland	UB	583,000.00		583,000.00			583,000.00	C			
Storework	RMT Landscape	Oakland	CB	300,411.00		300,411.00	300,411.00		300,411.00	H	300,411.00		
Landscape	RMT Landscape	Oakland	CB	1,617,264.00		1,617,264.00	1,617,264.00		1,617,264.00	H	1,617,264.00		
Cellular Concrete	Cell Crete	Hayward	UB						2,831,286.00	H			
<b>Project Totals</b>				\$2,874,084.00	\$175,000.00	\$3,049,084.00	\$2,291,084.00	\$1,430,000.00	\$33,553,307.20		\$2,291,084.00	\$1,430,000.00	\$1,430,000.00
				8.57%	0.52%	9.09%	6.83%	4.28%	100%		6.83%	4.26%	4.26%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C241610

**PROJECT NAME:** 12th Street Reconstruction Project

**CONTRACTOR:** Top Grade/Flatiron JV

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$45,517,000.00	\$34,816,527.40	\$10,700,472.60

<b>Discounted Bid Amount:</b>	<b>Amt. of Bid Discount</b>	<b>Discount Points:</b>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.3% **YES**
  - a) % of RC UDBE participation **2.09%**
  - b) % of LBE participation **7.20%**
  - c) % of SLBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **1.58%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**

6. Additional Comments.  
**Firm failed to meet the 3.35 RC UDBE goal and did not submit a Good Faith Effort (GFE) documentation. Therefore, the firm is deemed non-responsive.**

7. Date evaluation completed and returned to Contract 12/18/2009

**Reviewing Officer:**

*Vitai*

**Date:** 12/18/2009

**Approved By:**

*Shelley Sarenburg*

**Date:** 12/18/2009

## UDBE Participation

### Bidder 6

Project Name: 12th Street Reconstruction Project														
Project No.: C241610		Engineer's Est. \$45,617,000.00					Under/Over Engineer's Est. \$10,700,472.60							
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
										Ethn.	DBE	RC UDBE	WBE	
PRIME	Top Grade/Flatiron JV	Livermore	UB						22,018,847.95					
Concrete	Pacific Grou	San Diego	UB						2,584,332.00	C				
Underground	Sanco	Campbell	UB						1,668,829.95	NL				
Railings	Achorn Steel	Santa Rosa	UB						332,164.50	NL				
Minor Concrete	RE Maher	American Canyon	UB						1,631,629.00	NL				
Trucking	STI Trucking	Newark	CB					550,000.00	550,000.00	C		550,000.00	550,000.00	
Building	Liberty Builders	San Francisco	CB					176,000.00	176,000.00			176,000.00		
Electrical	St. Francis	San Leandro	UB						3,347,000.00	AA				
Landscape	RMT Landscape	Oakland	CB	2,507,724.00		2,507,724.00			2,507,724.00	NL				
<b>Project Totals</b>				2,507,724.00	\$0.00	\$2,507,724.00	\$0.00	\$726,000.00	\$34,816,527.40			\$2,507,724.00	\$726,000.00	\$550,000.00
				7.20%	0.00%	7.20%	0.00%	2.09%	100%			7.20%	2.09%	1.58%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise														

## UDBE Participation Bidder 7

Project Name: 12th Street Reconstruction Project

Project No.: C241610		Engineer's Est. \$45,617,000.00					Under/Over Engineer's Est. \$3,336,368.80						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	California Engineering Contractors, Inc.	Pleasanton	UB						25,513,739.20				
Electrical	St. Francis	San Leandro	UB						3,300,000.00	C			
Minor Concrete	RE meher	American Canyon	UB						2,179,500.00	NL			
Landscaping	RMT Landscape	Oakland	CB	2,216,837.00		2,216,837.00	2,216,837.00		2,216,837.00	NL	2,216,837.00		
AC Paving	O'Grady Paving	Mountainview	UB						1,275,400.00	NL			
Rebar	Harris Salinas Rebar	Livermore	UB						543,871.00	NL			
Restroom Building	Liberty Builders	San Francisco	CB					176,041.00	176,041.00	AA		176,041.00	
Provide Install Guardrail	Form Metal Mfg.	Oakland	UB						476,243.00	AA			
Sheeting	Foundation Constructors	Oakley	UB						2,854,000.00	NL			
Cell Crete	Cell Crete corporation	Monrovia	UB						2,985,000.00	NL			
Furnish Sheet Piles	General Supply	Oakland	CB	No Dollar Amount Listed					0.00	AA			
Concrete	Central Concrete	Oakland	UB						360,000.00				
Trucking	STI Trucking	Newark	CB					50,000.00	50,000.00	C		50,000.00	50,000.00
Trucking	CJC Trucking	Oakland	CB		250,000.00	250,000.00		250,000.00	250,000.00	AA		250,000.00	
<b>Project Totals</b>				\$2,216,837.00	\$250,000.00	\$2,466,837.00	\$2,216,837.00	\$476,041.00	\$42,180,631.20		\$2,216,837.00	\$476,041.00	\$50,000.00
				5.26%	0.59%	5.85%	5.26%	1.13%	100%		5.26%	1.13%	0.12%
<b>Legend</b>										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													

*Attachment C*

**12<sup>th</sup> Street Reconstruction Project**

**City Project No. C241610**

**Federal Project No. BRLS-5012(085)**

**Contractor Performance Evaluation  
(Schedule L-2)**

Item: \_\_\_\_\_  
Public Works Committee  
February 9, 2010



City of Oakland  
Public Works Agency  
CONTRACTOR PERFORMANCE EVALUATION C243911

Project Title: Alameda Ave Oakland Water Front Bay  
Work Order Number: T221  
Contractor: Mc Gure & Hester  
Date of Notice to Proceed: June 16, 2007  
Date of Notice of Completion: Nov 27, 2007  
Date of Notice of Final Completion:  
Contract Amount: Final contract amt: \$ 20,125  
Evaluator Name and Title: James McGee Architectural Services

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

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

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

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

**Assessment Guidelines:**

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

**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>.5</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.5</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>.4</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>.3</u> |
| 5. Enter Overall score from Question 28 | <u>2</u> | X 0.15 = | <u>.3</u> |

**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.

**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.

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**TIMELINESS**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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 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 #8. 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 checked="" 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"/>	

Contractor Evaluation Form

Contractor: McGuire & Heester

Project No. C-243911

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**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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" 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"/>	

Contractor Evaluation Form

Contractor:

McGuire's Master

Project No.

0243911

ETA

**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 type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <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	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"/>	

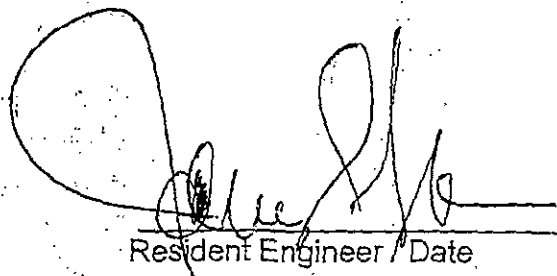


Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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.*

 6/11/08  
Resident Engineer / Date

\_\_\_\_\_  
Contractor / Date

 6/11/08  
Supervising Civil Engineer / Date

Contractor: McGuire & Aester Project No. 024391 E19

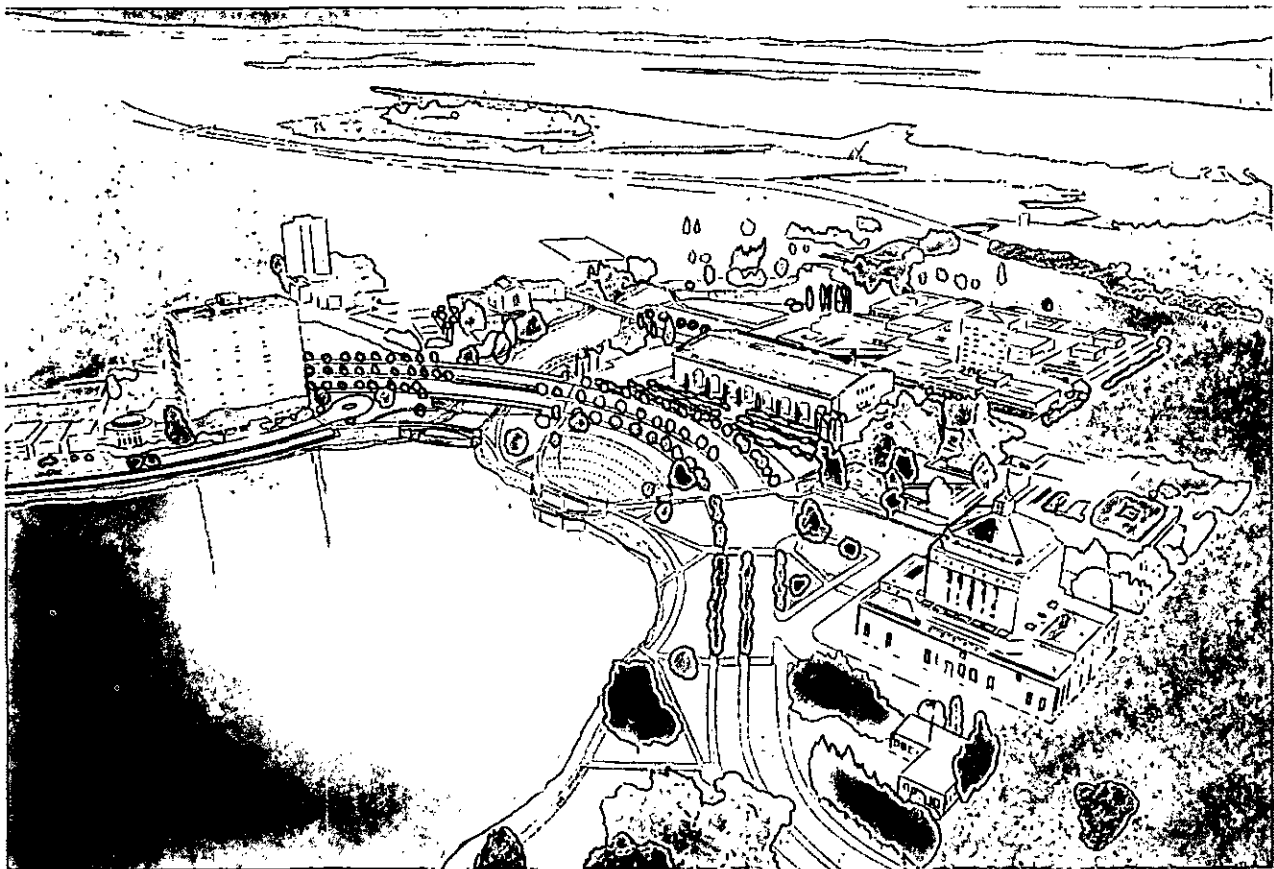
*Attachment D*

**12<sup>th</sup> Street Reconstruction Project**

**City Project No. C241610**

**Federal Project No. BRLS-5012(085)**

**Artist Rendering**



Item: \_\_\_\_\_  
Public Works Committee  
February 9, 2010

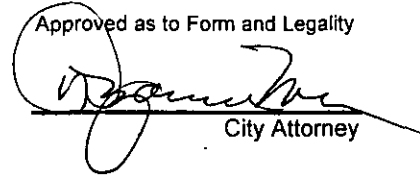
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OFFICE OF THE CITY CLERK  
OAKLAND

2010 JAN 28 PM 6:49

# OAKLAND CITY COUNCIL

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

Approved as to Form and Legality



City Attorney

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT (PROJECT NO. C241610) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED THIRTY TWO MILLION THIRTY-SIX THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS AND FOURTEEN CENTS (\$32,036,418.14)**

**WHEREAS**, on December 3, 2009, seven bids were received by the Office of the City Clerk of the City of Oakland for the 12th Street Reconstruction Project (City Project No. C241610); and

**WHEREAS**, the two lowest bidders were deemed non-responsive; and

**WHEREAS**, McGuire and Hester, third lowest bidder, complies with the Race Conscious Underutilized Disadvantaged Business Enterprise and Equal Benefits Ordinance requirements bidding as a prime, and is the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work and in the following project accounts:

- \$26,560,000.00: Measure DD - the Oakland Trust for Clean Water and Safe Parks bond measure Fund (5321); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393310 (corresponding subprojects to be created)
- \$13,376,883.00: Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393320 (corresponding subprojects to be created)
- \$8,000,000.00: State Coastal Conservancy (Proposition 50) Grant Fund (2159); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393330 (corresponding subprojects to be created); and

**WHEREAS**, the engineer's estimate for the work is \$45,517,000.00; and

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks includes the 12<sup>th</sup> Street Reconstruction Project at Lake Merritt; and

**WHEREAS**, the City hereby finds and determines on the basis of substantial evidence in the record that the Measure DD Environmental Impact Report ("EIR") fully analyzes the potential environmental effects of the Project and incorporates mitigation measures to substantially lessen or avoid potentially significant impacts where feasible in accordance with the California Environmental Quality Act ("CEQA"); and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are

no substantial changes proposed in the Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

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

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

**RESOLVED:** That the contract for the 12<sup>th</sup> Street Reconstruction Project (City Project No. C241610) is hereby awarded to McGuire & Hester in accordance with the terms of its bid therefore, dated December 3, 2009, in the amount of thirty two million thirty-six thousand four hundred eighteen dollars and fourteen cents (\$32,036,418.14); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance and the bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$32,036,418.14, each, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

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

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**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