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OFFICE OF THE CITY CLERK
OAKLAND

2017 APR 27 PM 1:20

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Wlad Wlassowsky, P.E.
Interim Asst., Director, DOT

SUBJECT: Curb Ramps along International Blvd.
for Bus Rapid Transit Corridor Project

DATE: March 31, 2017

City Administrator Approval

Date:

4/25/17

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To AJW Construction Inc., The Lowest Responsive, Responsible Bidder, For The Curb Ramps Along International Blvd. For Bus Rapid Transit Corridor Project (Project No. 1000981) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Six Hundred Sixty-Nine Thousand Three Hundred Seventy-Five Dollars (\$669,375.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with AJW Construction Inc. in the amount of \$669,375.00 (City Project No. 1000981) for installation two hundred curb ramps on International Boulevard for the AC Transit East Bay Bus Rapid Transit (BRT) Project.

BACKGROUND / LEGISLATIVE HISTORY

On January 26, 2017, the City Clerk received two bids for this project, one from AJW in the amount of \$669,375.00 and Rosas Brothers Construction in the amount of \$943,975.00. AJW Construction, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$674,200.00 and in general the work includes 200 new or modified curb ramps, approximately five thousand square feet of sidewalk, and related ancillary items required for the construction of curb ramps.

ANALYSIS AND POLICY ALTERNATIVES

As part of the interagency effort to implement the AC Transit East Bay Bus Rapid Transit (BRT) Project for comprehensive bike and pedestrian improvements along the entire corridor, the City agreed to earmark Fiscal Years (FY) 2015-17 Americans with Disabilities Act (ADA) Curb Ramp Transition Plan funding not to exceed \$1.3 million in total to construct or reconstruct curb ramps

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at street intersections between proposed BRT stations. These transit corridor improvements along Broadway, 11th and 12th Streets, and International Boulevard are consistent with the 2009 ADA Transition Plan and 2008 Sidewalk Repair Program Prioritization adopted by the City Council.

Curb ramps on International Boulevard along BRT corridor will be completed in two phases. Phase I will be completed under prior contract award under Project No. C428015 with Rosas Brothers Construction in the amount of \$696,955 and Phase II (the contract that is the subject of this report) will be completed in fiscal year 2017-19 through a contract award with AJW Construction Inc. in the amount of \$669,375.00. Expenditures for both phases will be monitored closely to ensure that no more than \$1.3 million is spent.

Under the proposed contract with AJW Construction Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 100%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the City's 50% requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office and shown in **Attachment A**.

The construction schedule for this contract is to begin in summer 2017 and should be completed by June 2019. This is a two-year project anticipating unforeseen delays in the Bus Rapid Transit project schedule. The contract specifies \$200.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

FISCAL IMPACT

The cost to construct or reconstruct curb ramps on International Boulevard along Bus Rapid Transit Corridor is included in the FY 2016-17 Budget in Measure BB Fund 2216, Organization 92242 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1000981.

The project is part of the City's ongoing sidewalk repair and ADA compliant curb ramp installation to reduce City's trip and fall liability and benefitting those with disabilities in accordance with the City's adopted ADA Curb Ramp Transition Plan.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for AJW Construction Inc. from previously completed projects are satisfactory and are included as **Attachment B**.

PUBLIC OUTREACH / INTEREST

Prior to starting construction, residents and businesses affected by the work will be notified individually of the construction schedule and planned activities.

COORDINATION

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

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

Environmental: The contractor will be required to make every effort to use best management practices for the protection of storm water runoff during construction.

Social Equity: This project is part of the City's curb ramp and sidewalk program to help Oakland move closer to an accessible City benefiting all residents. Sidewalk repair and curb ramp construction will make the City more accessible to those with disabilities, thus preventing potential harm to citizens and reducing trip and fall claims.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To AJW Construction Inc., The Lowest Responsive, Responsible Bidder, For The Curb Ramps along International Blvd. for Bus Rapid Transit Corridor Project (Project No. 1000981) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Six Hundred Sixty-Nine Thousand Three Hundred Seventy-Five Dollars (\$669,375.00).

Sabrina B. Landreth, City Administrator

Subject: Curb Ramps along International Blvd. for Bus Rapid Transit Corridor Project

Date: March 31, 2017

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For questions regarding this report, please contact Kevin Kashi, Engineering Design and Right-of-Way Supervising Civil Engineer, 510-238-7116.

Respectfully submitted,



WLADIMIR WLASSOWSKY, P.E.
Interim Assistant Director
Department of Transportation

Prepared by:
Kevin Kashi, P.E., Supervising Civil Engineer
Engineering Design and R.O.W. Mgmt Division

Attachments (2):

A: Contracts & Compliance Unit Compliance Evaluation

B: Contractors Performance Evaluation

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May 9, 2017



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ATTACHMENT A

INTER OFFICE MEMORANDUM

TO: Cesar A. Fortuno
Civil Engineer

FROM: Deborah Barnes,
Director, Contracts & Compliance

SUBJECT: Compliance Analysis
Curb Ramps Along International Blvd.
For Bus Rapid Transit Corridor
Project No. 1000981

DATE: March 16, 2017

The City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below are the results of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of 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.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LGP	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
AJW Construction	\$669,375	82.07%	0.00%	79.23%	2.84% *5.68%	100%	84.91%	5%	\$635,906.25	Y
Rosas Brothers Construction	\$943,975	75.11%	0%	74.10%	1.01% *2.02%	100%	76.12	4%	\$906,216.00	Y

* AJW Construction and Rosas Brothers Construction proposed VSLBE/LPG participation value is 2.84% and 1.01%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for AJW Construction and Rosas Brothers Construction is 5.68% and 2.02%.

Comments: As noted above, both firms exceeded the minimum 50% L/SLBE trucking requirement. Both firms are EBO compliant.

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: AJW Construction
Project Name: New Curb and Gutter on 30th Street between Adeline and Magnolia
Project No. C369910

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

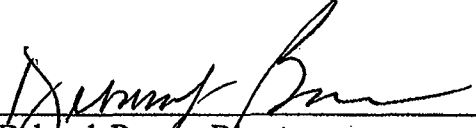
Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	Yes	If no, penalty amount?	N/A

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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
58	0	50%	29	50%	29	0	0	100%	0	15%	9	0

Comments: AJW Construction met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program.

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


 Deborah Barnes, Director
 Contracts and Compliance

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: 1000981

PROJECT NAME: Curb Ramps Along International Blvd. for Bus Rapid Transit Corridor Project

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$674,200.00	\$669,375.00	\$4,825.00

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Discount Points:</u>
\$635,906.25	\$33,468.75	5%

- 1. Did the 50% requirements apply? **YES**

- 2. Did the contractor meet the 50% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **79.23%** (Double counted value is 5.68%)
 - d) % of VSLBE/LPG Participation **2.84%**

- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **100%**

- 4. Did the contractor receive bid discounts? **YES**
 - (If yes, list the percentage received) **4%**

- 5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/16/2017**
Date

Reviewing Officer: Vinod Kumar

Date: 3/16/2017

Approved By: Shelley Darenberg

Date: 3/16/2017

BIDDER 1

Project Name: Curb Ramps Along International Blvd. for Bus Rapid Transit Corridor Project

Project No.: 1000981		Engineers Est: \$674,200.00					Under/Over Engineers Estimate: \$4,825.00					For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total	L/SLBE	Total	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking					
PRIME Trucking	AJW Construction	Oakland	CB		518,375		518,375			518,375	H	518,375		
	All City Trucking	Oakland	CB		12,000		12,000	12,000	12,000	12,000	AI		\$12,000	
Supplier	Central Concrete	San Jose	UB							80,000	NL			
Supplier	Argent Materials	Oakland	CB			4,000	4,000			4,000	C			
Supplier	Level Supply	Oakland	UB							40,000	C			
Supplier	Gallagher & Burk	Oakland	CB			15,000	15,000			15,000	C			
Project Totals				\$0	\$530,375	\$19,000.00	\$549,375	\$12,000	\$12,000	\$669,375		\$518,375	\$12,000	
				0.00%	79.23%	2.84%	82.07%	100%	100%	100%		77.44%	1.79%	
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE/25%	SLBE/25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING			Ethnici AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
Legend				LBE = Local Business Enterprise				UB = Uncertified Business						
				SLBE = Small Local Business Enterprise				CB = Certified Business						
				VSLBE = Very Small Local Business Enterprise				MBE = Minority Business Enterprise						
				LPG = Locally Produced Goods				WBE = Women Business Enterprise						
				Total LBE/SLBE = All Certified Local and Small Local Businesses										
				NPLBE = NonProfit Local Business Enterprise										
				NPSLBE = NonProfit Small Local Business Enterprise										

**** Proposed VSLBE/LPG participation is valued at 2.84%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.**

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: 1000981

PROJECT NAME: Curb Ramps Along International Blvd. for Bus Rapid Transit Corridor Project

CONTRACTOR: Rosas Brothers Construction

<u>Engineer's Estimate:</u> \$674,200.00	<u>Contractors' Original Bid Amount</u> \$943,975.00	<u>Over/Under Engineer's Estimate</u> -\$269,775.00
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<u>Discounted Bid Amount:</u> \$906,216.00	<u>Amount of Bid Discount</u> \$37,759.00	<u>Discount Points:</u> 4%
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- 1. Did the 50% requirements apply? **YES**

- 2. Did the contractor meet the 50% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **74.10%** (Double counted value is
 - d) % of VSLBE/LPG Participation **1.01%** 2.02%)

- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **100%**

- 4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **4%**

- 5. Additional Comments.

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

3/16/2017

Date

Reviewing Officer:

Victoria Medina

Date:

3/16/2017

Approved By:

Shelley Serenbunz

Date:

3/16/2017

BIDDER 2

Project Name: **Curb Ramps Along International Blvd. for Bus Rapid Transit Corridor Project**

Project No.: 1000981		Engineers Est: \$674,200.00					Under/Over Engineers Estimate: -\$269,775.00					For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total	L/SLBE	Total	TOTAL Original Bid Amount	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME Cement	Rosas Brothers Construction	Oakland	CB		677,475		677,475			677,475	H	677,475		
	Central Concrete	San Jose	UB							200,000	NL			
Trucking	S&S Trucking	Oakland	CB		22,000		22,000	22,000	22,000	22,000	H	22,000		
Ado. Dones Asphalt Base Rock	Hub Construction Gallagher & Burk Argent	Oakland	UB			7,000	7,000			35,000	C			
		Oakland	CB							7,000	C			
		Oakland	CB			2,500	2,500			2,500	C			
Project Totals				\$0	\$699,475	\$9,500.00	\$708,975	\$22,000	\$22,000	\$943,975		\$699,475	\$0	
				0.00%	74.10%	1.01%	75.11%	100%	100%	100%		74.10%	0.00%	
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING			Ethnic: AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

** Proposed VSLBE/LPG participation is valued at 1.01%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

ATTACHMENT B

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

Project Number/Title: C428012 – Citywide Curb Ramp & Sidewalk Repair

Work Order Number (if applicable): _____

Contractor: AJW Construction, Inc.

Date of Notice to Proceed: 4-17-2014

Date of Notice of Completion: 9-21-2016

Date of Notice of Final Completion: 9-21-2016

Contract Amount: \$936,156.00

Evaluator Name and Title: Cesar A. Fortuno, Resident 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 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 checked="" type="checkbox"/>	No <input 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)? 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 checked="" 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 checked="" type="checkbox"/>	No <input 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"/>	

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

		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"/>	

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 2 X 0.25 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

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.*

 9-21-16
Contractor / Date *Ted Fraith*

 9-20-2016
Resident Engineer / Date

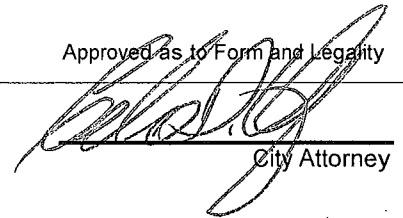
 9.21.16
Supervising Civil Engineer / Date

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.

2017 APR 27 PM 1:20

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR CURB RAMPS ALONG INTERNATIONAL BOULEVARD FOR BUS RAPID TRANSIT CORRIDOR (PROJECT NO. 1000981) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX HUNDRED SIXTY-NINE THOUSAND THREE-HUNDRED SEVENTY-FIVE DOLLARS (\$669,375.00)

WHEREAS, On January 26, 2017, the City Clerk received two bids for Curb Ramps on International Boulevard along Bus Rapid Transit Corridor (Project No. 1000981); and

WHEREAS, AJW Construction, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, funding for this project will be available in the following project account as part of FY 2016-17 CIP budget: Fund 2216 Measure BB, Org. 92242, Account 57411, and Project 1000981; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, AJW Construction, complies with all LBE/SLBE and trucking requirements; 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 service now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to AJW Construction, the lowest responsive and responsible bidder in accordance with project plans and specifications for Curb Ramps along International Boulevard for Bus Rapid Transit Corridor (Project No. 1000981) and with contractor's bid in the amount of six hundred sixty-nine thousand and three-hundred and seventy-five dollars (\$669,375.00) and in accordance with plans and specifications for the Project and contractor's bid dated January 26, 2017; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$669,375.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$669,375.00 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 AJW Construction, 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 City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if AJW Construction fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; 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, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California