

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 APR 30 PM 8: 02

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: May 12, 2009

RE: **Resolution Awarding A Construction Contract To The Lowest Responsive, Responsible Bidder, Ray's Electric, For The Installation Of Various Intelligent Transportation System Equipment In The City's Transportation Management Center In Accord With Plans And Specifications For City Project No. C313910, And Contractor's Bid Therefore, In The Amount Of Three Hundred Five Thousand One Hundred Forty-Eight Dollars And Thirty- Eight Cents (\$305,148.38)**

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**SUMMARY**

A resolution has been prepared awarding a construction contract to Ray's Electric for the installation of Intelligent Transportation System (ITS) equipment in the City's Transportation Management Center (TMC) (City Project No. C313910) in the total amount of \$305,148.38.

Construction of the TMC space located at 250 Frank H. Ogawa Plaza, Suite 4344, was completed in September 2007. Since that time staff has been working with consultants and the City's Department of Information Technology (DIT) to design the plan to procure and install communication systems and equipment necessary for the function of the TMC to further the City's ITS. When completed, the project will provide for remote access and control of traffic signals that are interconnected along several of the City's main arterial streets. The capability for remote access and control is invaluable in reducing staffing needs and improved emergency response.

**FISCAL IMPACT**

The resolution will authorize a \$305,148.38 contract with Ray's Electric. Construction funds in the amount of \$305,148.38 are available in Measure B Fund (2211); Capital Improvement Projects (C313910), Transportation Services Division Organization (92246); Signal and Safety Devices Account (57412).

Implementation of this project will increase annual operation and maintenance costs for the Department of Information Technology by an estimated \$4,550.00 for the first year and \$2950.00 annually for subsequent years. Maintenance costs will be provided from CIP Project

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Public Works Committee  
May 12, 2009

(C313910), Transportation Services Division Organization (92246); Signal and Safety Devices Account (57412), and other future ITS projects funds.

## BACKGROUND

The City of Oakland's ITS Strategic Plan dated 2003 recommends the construction of a TMC to serve as the center for controlling the City's interconnected signals and other transportation management equipment such as electronic changeable message signs. The construction of the TMC space located at 250 Frank H. Ogawa Plaza, Suite 4344, was completed in September 2007. This project will procure and install the necessary equipment to make the TMC functional as a traffic operational center during emergency and non-emergency condition.

The project consists of a video wall for displaying and monitoring traffic flow and status of signal lights, changeable message signs, as well as other ITS field equipment. Two (2) computer workstations will be installed in the TMC and central servers will be installed in the City's Emergency Operations Center (EOC); the central server will be connected to the TMC via fiber optic cable, and will contain the database and house the software for the City's signals and other ITS elements.

## KEY ISSUES AND IMPACTS

On February 19, 2009, the City Clerk opened four bids for the project, as follows:

- |                                     |              |
|-------------------------------------|--------------|
| 1) Arthulia Inc. (Oakland)          | \$302,000.00 |
| 2) Ray's Electric (Oakland)         | \$305,148.38 |
| 3) McPeak Electric, Inc. (Martinez) | \$383,340.00 |
| 4) Bay Construction (Oakland)       | \$580,879.20 |

On March 16, 2009, the Office of the City Administrator, Contract Compliance & Employment Services Division determined that Ray's Electric and McPeak Electric, Inc. met and/or exceeded the 20% L/SLBE Program participation requirement. Bids submitted by Arthulia, Inc. and Bay Construction did not meet the L/SLBE Program requirements therefore both were deemed non-responsive. Therefore, Ray's Electric has been determined to be the lowest responsible and responsive bidder, and is recommended for award of the construction contract.

The Contract Compliance & Employment Services Division memos and evaluation forms, as well as the Contract Administration letter are provided in *Attachment A*.

Construction is expected to begin in July 2009. With construction scheduled for 30 working days, the project is expected to be completed by September 2009. However, the expected contract completion date may vary due to the lead time for material procurement and unforeseeable construction conditions. The contract specifies that the contractor will be assessed \$500.00 in liquidated damages per working day if the construction schedule of thirty (30) working days is exceeded. The Resident Engineer assigned to this construction project will monitor the contractor's progress to ensure the project is completed in a timely manner.

### **PROJECT DESCRIPTION**

The project consists of procurement and installation of various ITS equipment including central servers, video consoles, communication equipment and central system master software. The system will provide opportunities for remote access and control of the City's interconnected traffic signal network, and other traffic monitoring equipment. Ultimately, the Transportation Management Center will be a part of the City's emergency response system. It will enable staff to remotely monitor and control the City's traffic signal network under emergency and normal operating conditions. On a daily basis it will serve as a tool to improve overall network traffic flow and travel time. This project was approved by the City Council in the 2007-2009 Capital Improvement Program.

### **EVALUATION OF PAST PERFORMANCE**

Past performance record indicates that the contractor, Ray's Electric performance is satisfactory. See *Attachment B* for the latest evaluation record.

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* Since the work will be done by a local construction firm, the project can have a positive impact on the local economy by providing jobs for local business.

*Environmental:* The project will contribute to reduction in traffic congestion, and fuel consumption, thus improving air quality.

*Social Equity:* The project would reduce congestion and improve air quality for all citizens. Senior citizens, persons with disabilities and children would particularly benefit from these improvements.

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

Seniors and persons with disabilities will benefit from the resulting improved traffic flow and emergency response system along arterial and abutting local streets.

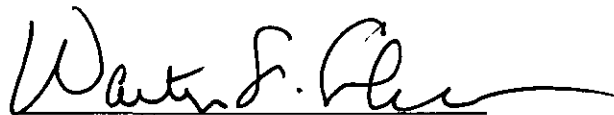
**RECOMMENDATION AND RATIONALE**

Staff recommends that City Council approve the resolution awarding a construction contract to Ray's Electric for the Transportation Management Center Project in an amount of \$305,148.38.

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

Wladimir Wlassowsky, P.E.  
Transportation Services Manager  
Transportation Services Division

Prepared by:  
Ade Oluwasogo, P.E.  
Supervising Transportation Engineer  
Transportation Services Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee  
May 12, 2009

# Memo



Department of Contracting and Purchasing  
Social Equity Division

To: Mohamed B. Alaoui, Assistant Transportation Engineer  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes, Director, DC&P  
 Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*  
 CC: Gwen McCormick, Contract Administration Supervisor  
 Date: March 16, 2009  
 Re: C313910 – Transportation Management Center

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

Below are the results of our findings:

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ray's Electric	\$305,148.38	22.58%	0%	22.58%	NA	22.58%	2%	\$299,045.41	0%	Y
McPeak Electric, Inc.	\$383,340	41%	0%	41%	NA	41%	4%	\$368,005	0%	N

**Comments:** As noted above, Ray's Electric and McPeak Electric, Inc. met and/or exceeded the minimum 20% L/SLBE requirement. McPeak Electric, Inc. is not EBO compliant. They will have to come into compliance prior to award of a contract.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Arthulia, Inc.	\$302,000	44%	44%	0%	NA	0%	0%	N/A	0%	N
Bay Construction	\$580,879.20	18%	0%	18%	NA	0%	0%	NA	0%	Y

**Comments:** Arthulia, Inc. and Bay Construction failed to meet the minimum 20% L/SLBE participation requirement. Therefore, both firms are 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:** Ray's Electric  
**Project Name:** Hegenberger Road East and Airpor Access Road Streetscape  
**Project No:** C82660

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

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

**15% Oakland Apprenticeship Program**

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

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	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		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			
10764	5382	50%	2691	100%	2691	0	0	100%	887	15%	887	0

**Comments:** Ray's Electric exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 444 on-site hours and 444 off-site hours.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313910

RE: Transportation Management Center

CONTRACTOR:

Ray's Electric

Engineer's Estimate:  
\$331,640

Contractors' Bid Amount  
\$305,148.38

Over/Under Engineer's Estimate  
\$26,492

Discounted Bid Amount:  
\$299,045.41

Amt. of Bid Discount  
\$6,102.97

Discount Points:  
2%

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

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0%

b) % of SLBE participation 22.58%

3. Did the contractor meet the Trucking requirement? NA

a) Total trucking participation 0%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 2%

5. Additional Comments.

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

3/16/2009

Date

Reviewing Officer:

*Vivian [Signature]*

Date:

3/16/09

Approved By

*Shelley Oarensburg*

Date:

3/16/09

## LBE/SLBE Participation Bidder 2

Project Name: **Transportation Management Center**

Project No.: C313910		Engineer's Estimate: 331,640				Under/Over Engineers Estimate: 26,492								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars					
										Ethnic	MBE	WBE		
<b>PRIME</b> Video Wall Low Voltage Installer Supplier	Ray's Electric	Oakland	CB		68,908	68,908			68,908	C				
	Spinitar	LaMirada	UB						156,000	C				
	L. McKinney Assoc	Hayward	UB						79,000.00	C				
	Anixter, Inc.	Dallas, TX	UB						1,240	C				
<b>Project Totals</b>				\$0	\$68,908	\$68,908	\$0	\$0	\$305,148.38		\$0	\$0		
				0%	22.58%	22.58%	100%	100%	100%		0.00%			
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						





DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313910

RE: Transportation Management Center

CONTRACTOR: McPeak Electric, Inc.

<u>Engineer's Estimate:</u> \$331,640	<u>Contractors' Bid Amount</u> \$383,340	<u>Over/Under Engineer's Estimate</u> (\$51,700)
<u>Discounted Bid Amount:</u> \$368,006	<u>Amt. of Bid Discount</u> \$15,334	<u>Discount Points:</u> 4%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>41%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>4%</u>	
5. Additional Comments.		

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

3/16/2009

Date

Reviewing Officer:

Vivian [Signature]

Date: 3/16/09

Approved By

Shelley [Signature]

Date: 3/16/09

## LBE/SLBE Participation Bidder 3

Project Name: **Transporation Management Center**

Project No.: C313910		Engineer's Estimate: 331,640				Under/Over Engineers Estimate: -51,700						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										Ethn	MBE	WBE
PRIME Telecommunications Audio/Visual	McPeak Electric, Inc.	Martinez	UB						74,460	C		
	Digital Design Communications	Oakland	CB		158,880	158,880			158,880	H		
	Spinitar	LaMiranda	UB						150,000	C		
<b>Project Totals</b>				\$0	\$158,880	\$158,880	\$0	\$0	\$383,340		\$0	\$0
				0%	41%	41%	0%	0%	100%		0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313910

RE: Transportation Management Center

CONTRACTOR:

Arthulia, Inc.

<u>Engineer's Estimate:</u> \$331,640	<u>Contractors' Bid Amount</u> \$302,000	<u>Over/Under Engineer's Estimate</u> \$29,640
<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>NO</u>
a) % of LBE participation	<u>43%</u>	
b) % of SLBE participation	<u>0%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>NO</u>
(If yes, list the points received)		

5. Additional Comments.  
Firm failed to meet the minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

3/16/2009  
\_\_\_\_\_  
Date

Reviewing Officer: *Vivian [Signature]*

Date: 3/16/09

Approved By *Shelley Dorensburg*

Date: 3/16/09

## LBE/SLBE Participation Bidder 1

Project Name: **Transportation Management Center**

Project No.: C313910		Engineer's Estimate 331,640				Under/Over Engineers Estimate: 29,640							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	Ethn	MBE	WBE	
						LBE/SLBE	Trucking	Trucking	Dollars				
PRIME	Arthulia, Inc.	Oakland	CB	130,800		130,800			134,000	A	130,800		
Video Wall	Spinitar	LaMirada	UB						160,000	NL			
Video Wall	Spinitar	LaMirada	UB						5,000	NL			
Warranty													
Video Wall	Spinitar	LaMirada	UB						3,000	NL			
Training													
<b>Project Totals</b>				\$130,800	\$0	\$130,800	\$0	\$0	\$302,000		\$130,800	\$0	
				43.31%	0.0%	43.31%	0%	0%	100%		43.31%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLBE = NonProfit Local Business Enterprise		NPSLBE = NonProfit Small Local Business Enterprise	
				UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise			



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C313910

RE:

**Transportation Management Center**

**CONTRACTOR:**

**Bay Construction**

<u>Engineer's Estimate:</u> \$331,640	<u>Contractors' Bid Amount</u> \$580,879.20	<u>Over/Under Engineer's Estimate</u> (\$249,239)
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<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% local/small local requirement apply? **YES**

2. Did the contractor meet the 20% requirement **NO**

a) % of LBE participation **0%**

b) % of SLBE participation **18%**

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

a) Total trucking participation **0%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

3/16/2009

Date

Reviewing Officer:

*Victoria Spurr*

Date:

3/16/09

Approved By

Shelley Darenburg

Date:

3/16/09

## LBE/SLBE Participation Bidder 4

Project Name: **Transportation Management Center**

Project No.: C313910		Engineer's Estimate: 331,640				Under/Over Engineers Estimate: -249,239						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn	MBE	WBE
PRIME	Bay Construction	Oakland	CB		103,879.20	103,879.20			103,879.20	A		
Electrical	N2 Electric	Livermore	UB						320,000	NL		
Video Wall	Spinitar	LaMirand	UB						157,000	NL		
<b>Project Totals</b>				\$0	\$103,879.20	\$103,879.20	\$0	\$0	\$580,879.20		\$0	\$0
				0%	18%	18%	0%	0%	100%		0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise			UB = Uncertified Business					
				SLBE = Small Local Business Enterprise			CB = Certified Business					
				Total LBE/SLBE = All Certified Local and Small Local Businesses			MBE = Minority Business Enterprise					
				NPLBE = NonProfit Local Business Enterprise			WBE = Women Business Enterprise					
				NPSLBE = NonProfit Small Local Business Enterprise								

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

Project Number/Title: G305010 – Safe Routes to School – Cycle 6

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

Contractor: Ray's Electric

Date of Notice to Proceed: July 21, 2008

Date of Notice of Completion: February 18, 2009

Date of Notice of Final Completion: February 18, 2009

Contract Amount: \$339,433.00

Evaluator Name and Title: Henry Choi – 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:**

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

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> 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"/>	X	<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 X
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"/>	X	<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 X
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 X	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	<b>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.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	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 =   .5
2. Enter Overall score from Question 13     2   X 0.25 =   .5
3. Enter Overall score from Question 18     2   X 0.20 =   .4
4. Enter Overall score from Question 22     2   X 0.15 =   .3
5. Enter Overall score from Question 28     2   X 0.15 =   .3

TOTAL SCORE (Sum of 1 through 5):       2  

OVERALL RATING:       2  

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

### PROCEDURE:

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

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

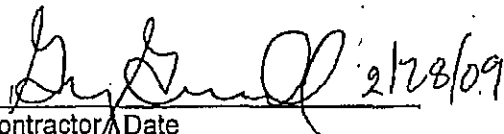
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

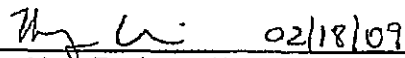
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating: .

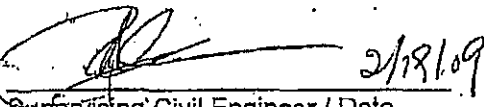
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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

  
Contractor / Date

  
Resident Engineer / Date

  
Supervising Civil Engineer / Date

## WORK PERFORMANCE

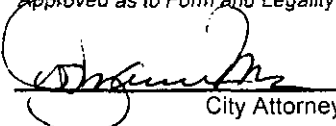
1a – Contractor was pro-active at a couple of the bulb-out locations when the elevations of the plans did not match the field conditions to work with the designers to correct the plans to build bulb-outs that would not create ponding.

### ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2009 APR 30 PM 8:02

# OAKLAND CITY COUNCIL

Approved as to Form and Legality  
  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, RAY'S ELECTRIC, FOR THE INSTALLATION OF VARIOUS INTELLIGENT TRANSPORTATION SYSTEM EQUIPMENT IN THE CITY'S TRANSPORTATION MANAGEMENT CENTER IN ACCORD WITH PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. C313910, AND CONTRACTOR'S BID THEREFORE, IN THE AMOUNT OF THREE HUNDRED FIVE THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS AND THIRTY- EIGHT CENTS (\$305,148.38)**

**WHEREAS**, on February 19, 2009, four (4) bids were received by the Office of the City Clerk of the City of Oakland for the installation of various ITS equipment in the Transportation Management Center (City Project No. C313910); and

**WHEREAS**, Ray's Electric submitted the lowest responsible and responsive bid; and

**WHEREAS**, there are sufficient funds for the construction contract in the Measure B Funds (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); and

**WHEREAS**, the City lacks the equipment and personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy and better performance; and

**WHEREAS**, Ray's Electric complies with all Local/Small Local Business Enterprise Program requirements; and

**WHEREAS**, the City Council finds and determines that services under this contract are technical and will be temporary; 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 construction contract for the Transportation Management Center (TMC), (City Project No. C313910) is hereby awarded to Ray's Electric for the installation of various intelligent transportation system equipment in the City's Transportation Management Center in accordance with the plans and specifications for City Project No. C313910 and the terms of its bid, dated February 19, 2009, in the amount of three hundred five thousand one hundred forty-eight dollars and thirty-eight cents (\$305,148.38); and be it



**FURTHER RESOLVED:** That the plans and specifications prepared by the Transportation Engineers of the Community and Economic Development Agency for the Transportation Management Center (City Project No. C313910) are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$305,148.38 (100% of contract), and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$305,148.38 (100% of contract), with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and execute any amendments or modifications of said contract 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(s) shall be reviewed and approved for form and legality by the City Attorney, and a copy of the contract shall be kept on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board 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