



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 JUN 12 PM 2: 29

## AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin  
Interim Director, OPW

**SUBJECT:** Street Rehabilitation at 17<sup>th</sup> Street and  
Jackson Street

**DATE:** May 16, 2014

City Administrator  
Approval

Date:

6/5/14

**COUNCIL DISTRICT:** District 2

### RECOMMENDATION

Staff recommends that the City Council adopt the following:

- 1) Resolution authorizing the City Administrator, or his designee to award a construction contract to Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive, and at Jackson Street between 11<sup>th</sup> St and Lakeside Drive (Project No. C464540) and with contractor's bid in the amount of Seven Hundred Ninety-One Thousand Seven Hundred Dollars (\$791,700.00), And
- 2) Waiving advertising and bidding requirements and authorizing the City Administrator or his designee to award up to One Hundred Sixty Thousand Dollars (\$160,000.00) to the contract for resurfacing work on Jackson Street, for a total contract authorization of Nine Hundred Fifty-One Thousand Seven Hundred Dollars (\$951,700.00).

### OUTCOME

Approval of this resolution will result in increased pedestrian safety achieved through sidewalk replacement, curb ramp upgrades along 17<sup>th</sup> Street and Jackson Street. Street resurfacing will result in improved roadway conditions. State of California Proposition 1C grant funds and local Measure B funds are available for the proposed work. The work is located in District 2, as shown on *Attachment A*. This action will also allow the City to take advantage of the competitive prices submitted in response to the project bid solicitation to perform additional work along the Jackson Street corridor.

Item: \_\_\_\_\_  
Public Works Committee  
June 24, 2014

## **BACKGROUND/LEGISLATIVE HISTORY**

In general, the proposed work consists of resurfacing approximately 1.40 centerline miles of City streets and pedestrian improvements. The project includes: Asphalt Concrete (AC) base repairs; AC mill and overlay; slurry sealing; replacement of traffic striping, pavement markers, and pavement markings; curb ramp construction; curb and gutter repair; sidewalk repair; signal interconnect conduits (bid alternate), and other related work indicated on the plans and specifications.

Additional proposed work along the Jackson Street corridor between 7<sup>th</sup> Street and the west end consists of AC mill and overlay; replacement of traffic striping, pavement markers, and pavement markings; curb ramp retrofits. This additional work requires waiving competitive bidding so that the work can be completed under this contract.

This project is funded through a grant provided by California Department of Housing and Community Development ("HCD") using State Proposition 1C funds. Additional funding is provided by Measure B funds to fully fund the project. The State funds limit the area in which work can be done. Staff has extended the original scope to these limits.

Construction work is anticipated to begin in September 2014 and should be completed by January 2015. The contract specifies \$1,000 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 110 working days. The project schedule is shown in *Attachment B*.

## **ANALYSIS**

On March 27, 2014, the City Clerk received two bids (including bid alternate) for the project in the amount of \$791,700.00 from Gallagher & Burk and \$973,950.00 from Beliveau Engineering. Gallagher & Burk, Inc., is the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the base construction work (including bid alternate) is \$910,775.00. Staff has reviewed the bids and has deemed that it is reflective of the current construction bidding environment.

Under the proposed contract with Gallagher & Burk, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 90.13%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 66.67% for trucking, which exceeds the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires on the project (on a craft-by-craft basis) are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

**COORDINATION**

The work to be done under this contract was coordinated with:

- Economic & Workforce Development Department
- Public Works – Bureau of Engineering and Construction
- Public Works – Bureau of Infrastructure and Operations
- Utility companies

The Project Implementation Section of the Economic & Workforce Development Department, formerly the Redevelopment Division of the Community and Economic Development Agency, has coordinated the Proposition 1C Grant and Redevelopment Capital Projects including Downtown Streetscapes with numerous agencies and groups and established the scope for these projects.

In addition, the Office of the City Attorney and Budget Office reviewed this report and resolutions.

**COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator to execute a construction contract, including bid alternate, with Gallagher & Burk, Inc. in the amount of \$791,700.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Construction Contract (Base bid and bid alternate)	\$791,700.00
Additional Resurfacing Work (Jackson Street)	\$160,000.00
<hr/>	<hr/>
Total Construction Contract:	\$951,700.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$951,700.00

3. SOURCE OF FUNDING:

- California Housing and Community Development (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C464540); 821,700.00 ;
- Measure B: ACTIA Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Matching Funds for Grant Funded Projects (C370010); \$130,000.00.

4. FISCAL IMPACT:

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



### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

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

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* This project will improve pedestrian and paving conditions, enhancing and protecting the City's infrastructure. It will also create job opportunities for local work force and contractors. Streets in good condition reflect well on the community and indirectly improve the business climate.

*Environmental:* Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible. Improved pavement conditions reduce vehicle wear and tear and increase fuel efficiency.

*Social Equity:* This project will help preserve the City's infrastructure, enhance pedestrian access and protect the public from hazardous conditions.



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

Respectfully submitted,



BROOKE A. LEVIN  
Interim Director, Oakland Public Works

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

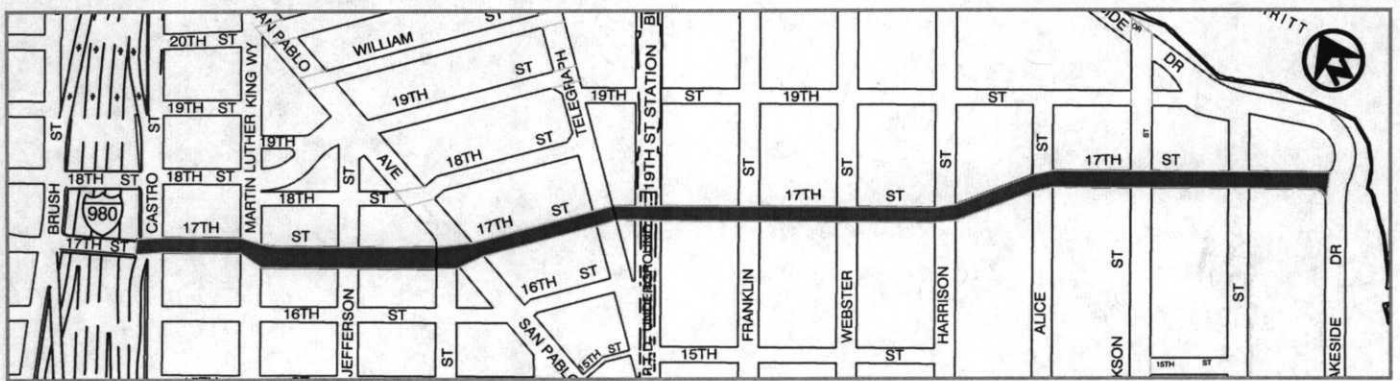
Reviewed by:  
Gus Amirzehni, P.E., Engineering and R.O.W Manager  
Engineering Design and R.O.W Management Division

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

Attachments:

- Attachment A – Project Location List
- Attachment B – Project Construction Schedule and List of Bidders
- Attachment C – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Performance Evaluation

**ATTACHMENT A**  
**PROJECT NO. C464540**



**17TH STREET FROM LAKESIDE DR. TO CASTRO ST.**



**JACKSON STREET FROM 4TH TO 7TH & 11TH ST. TO LAKESIDE DR.**

## Attachment B

### Street Rehabilitation of 17<sup>th</sup> Street between Castro Street and Lakeside Drive and Jackson Street between 11<sup>th</sup> Street and Lakeside Drive (Project No. C464540)

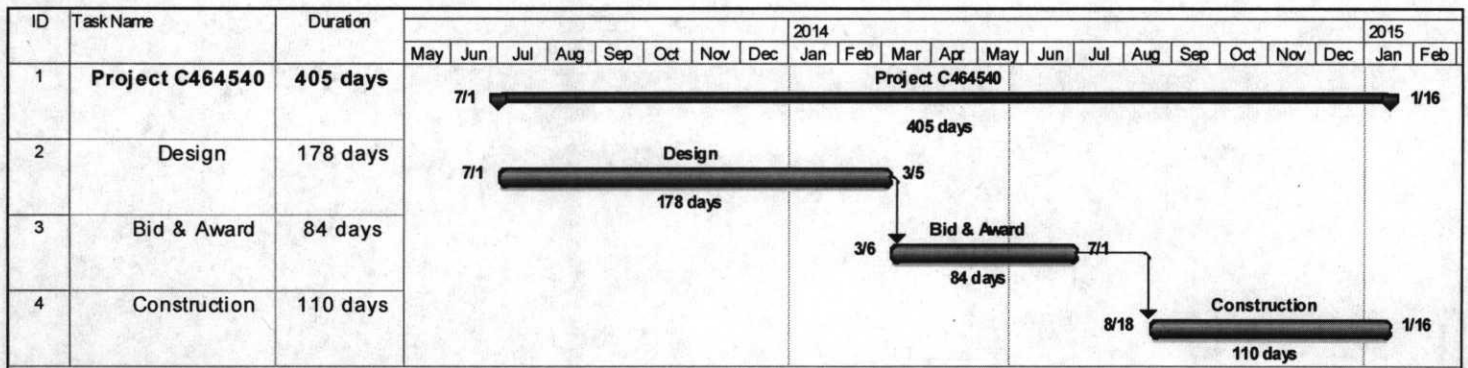
#### List of Bidders

Company	Location	Amount <sup>1</sup>
Gallagher & Burk, Inc.	Oakland	\$791,700.00
Beliveau Engineering Contractors, Inc.	Oakland	\$973,950.00

Engineer's Estimate		\$910,775.00
---------------------	--	--------------

1. Amount includes base bid and bid alternate

#### Project Schedule







## ATTACHMENT C

**INTER OFFICE MEMORANDUM**

**TO:** Kheven LaGrone,  
Civil Engineer

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

**SUBJECT:** Compliance Analysis

**DATE:** May 21, 2014

Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive,  
And Jackson Street between 11<sup>th</sup> Street and Lakeside Drive  
Project No. C464540-Including Bid Alternate

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Staff completed the first compliance analysis of the above reference project on April 17, 2014. This analysis included the base bid only. Subsequent to that date PWA staff asked to revise the analysis to include the bid alternate. Below is the outcome 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 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.

Responsive to 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/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Gallagher & Burk	\$791,700.00	90.13%	41.04%	26.98%	22.10%	66.67%	90.13%	5%	\$752,115.00	Y
Beliveau Engineering Contractors, Inc.	\$973,950.00	91.77%	0.00%	91.77%	0.00%	100%	91.77%	5%	\$925,252.50	Y

**Comments:** As noted above, both firms met and/or exceeded the minimum 50% L/SLBE participation requirement. Both firms are EBO compliant.

\*Proposed VSLBE/LPG participation is valued at 22.10%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 44.20%.



**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: Gallagher & Burke**  
**Project Name: Citywide Street Rehabilitation and Reconstruction- Phase I**  
**Project No: C369620**

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

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	217
Were all shortfalls satisfied?	No	If no, penalty amount	\$19,376.74

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	373
Were shortfalls satisfied?	No	If no, penalty amount?	\$11,044.52

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			
9371	0	50%	4686	95%	4459	0	217	95%	1406	73%	1033	373

**Comments:** Gallagher & Burke did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals.

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

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C464540**

**RE: Street Rehabilitation at 17th Street between Castro Street and lakeside Drive, and Jackson Street between 11th Street and Lakeside Drive-Including Bid Alternate**

**CONTRACTOR: Gallagher & Burk**

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under</b>
\$910,775.00	\$791,700.00	<b>Engineer's Estimate</b>
		\$119,075.00

<b>Discounted Bid Amount:</b>	<b>Amt. of Bid Discount</b>	<b>Discount Points:</b>
\$752,115.00	\$39,585.00	5.00%

1. Did the 50% local/small local requirement apply: **YES**
2. Did the contractor meet the 50% requirement **YES**
  - a) % of LBE participation **41.04%**
  - b) % of SLBE participation **26.98%**
  - c) % of VSLBE participation **22.10%**    **44.20%** (double counted value)
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **16.67%**
  - a) Total VSLBE trucking participation **50.00%**
4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **5%**
5. Additional Comments.  
**Proposed VSLBE/LPG participation is valued at 22.10%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 44.20%.**

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

5/21/2014

Date

**Reviewing Officer:**

*Shelley Dorensburg*

**Date:** 5/21/2014

**Approved By:**

*Shelley Dorensburg*

**Date:** 5/21/2014



## LBE/SLBE Participation Bidder 1

Project Name:		Street Rehabilitation at 17th Street between Castro Street and lakeside Drive, and Jackson Street between 11th Street and Lakeside Drive-Including Bid Alternate													
Project No.:		C464540		Engineer's Estimate:		910,775.00		Under/Over Engineers Estimate:		119,075.00					
Discipline		Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	Gallagher & Burk	Oakland	CB	324,925.00			324,925.00				324,925.00	C			
Minor Concrete Crack Seal/Slurry Seal	Rosas Construction	Oakland	CB		123,600.00		123,600.00				123,600.00	H	123,600.00		
	Bond Blacktop Lineation Markings Corp.	Union City	UB								47,900.00	C			
Striping	Gallagher & Burk	Oakland	UB			160,000.00					20,275.00	C			
AC Materials	Gallagher & Burk	Oakland	CB			15,000.00	15,000.00	15,000.00			160,000.00	C			
Trucking	Monroe Trucking	Oakland	CB							15,000.00	15,000.00	AA	15,000.00		
	Double D Transportation	Dublin	UB							10,000.00	10,000.00				
Trucking	All City Trucking	Oakland	CB		5,000.00		5,000.00		5,000.00	5,000.00	5,000.00	AI	5,000.00		
Electrical	Ray's Electric	Oakland	CB		85,000.00		85,000.00				85,000.00	C			
<b>Project Totals</b>				\$324,925.00 41.04%	\$213,600.00 26.98%	\$175,000.00 22.10%	\$553,525.00 90.13%	\$15,000.00 50.00%	\$5,000.00 16.67%	\$30,000.00 100%	\$791,700.00 100%		\$143,600.00 18.14%	\$0.00 0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise 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							

**CITY ADMINISTRATOR'S OFFICE**



**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C464540**

**RE:**

**Street Rehabilitation at 17th Street between Castro Street and lakeside Drive,  
and Jackson Street between 11th Street and Lakeside Drive-Including Bid  
Alternate**

**CONTRACTOR: Beliveau Engineering Contractors, Inc.**

<b><u>Engineer's Estimate:</u></b> \$910,775.00	<b><u>Contractors' Bid Amount</u></b> \$973,950.00	<b><u>Over/Under Engineer's Estimate</u></b> (\$63,175.00)
<b><u>Discounted Bid Amount:</u></b> \$925,252.50	<b><u>Amt. of Bid Discount</u></b> \$48,697.50	<b><u>Discount Points:</u></b> 5.00%
1. Did the 50% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 50% requirement		<b><u>YES</u></b>
a) % of LBE participation	<b><u>0.00%</u></b>	
b) % of SLBE	<b><u>91.77%</u></b>	
c) % of VSLBE	<b><u>0.00%</u></b>	
3. Did the contractor meet the Trucking requirement?		<b><u>YES</u></b>
a) Total L/SLBE trucking participation	<b><u>100.00%</u></b>	
a) Total VSLBE trucking participation	<b><u>0.00%</u></b>	
4. Did the contractor receive bid discount points?		<b><u>YES</u></b>
(if yes, list the points received)	<b><u>5%</u></b>	
5. Additional Comments.		

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

5/21/2014

Date

**Reviewing  
Officer:**

Stephan Hong

**Date:** 5/21/2014

**Approved By:**

Shelley Darenburg

**Date:** 5/21/2014

## LBE/SLBE Participation Bidder 2

<b>Project Name:</b>		Street Rehabilitation at 17th Street between Castro Street and lakeside Drive, and Jackson Street between 11th Street and Lakeside Drive- Including Bid Alternate													
<b>Project No.:</b>		<b>Engineer's Estimate</b>				<b>Under/Over Engineers Estimate:</b>									
C464540		910,775.00				-63,175.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	CB		795,340.00		795,340.00				795,340.00	C			
	Striping Slurry & Crack Seal	Lineation Markings Corp.	Oakland	UB							22,375.00	C			
	Bond Blacktop	Union City	UB								57,735.00	C			
Trucking	Williams Trucking	Oakland	CB		20,000.00		20,000.00		20,000.00	20,000.00	20,000.00	AA	20,000.00		
Prime	Beliveau Engineering Contractors, Inc.	Oakland	CB		78,500.00		78,500.00				78,500.00	C			
<b>Project Totals</b>				\$0.00 0.00%	\$893,840.00 91.77%	\$0.00 0.00%	\$893,840.00 91.77%	\$0.00 0.00%	\$20,000.00 100.00%	\$20,000.00 100%	\$973,950.00 100%		\$20,000.00 2.05%	\$0.00 0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise 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							



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

Project Number/Title: C376410 - VARIOUS STREETS AND ROADS REHABILITATION  
 Work Order Number (if applicable): \_\_\_\_\_  
 Contractor: GALLAGHER & BURK, INC.  
 Date of Notice to Proceed: MARCH 1, 2010  
 Date of Notice of Completion: JANUARY 20, 2012  
 Date of Notice of Final Completion: JANUARY 20, 2012  
 Contract Amount: \$3,412,248.58  
 Evaluator Name and Title: WAI WONG, CONSTRUCTION COORDINATOR

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

		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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				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"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**TIMELINESS**

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	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"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**COMMUNICATION**

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

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: SATISFACTORY

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.

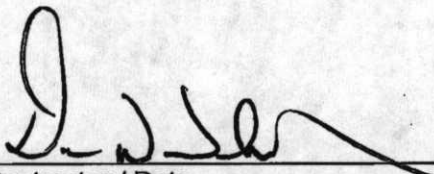
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

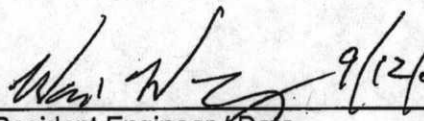
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

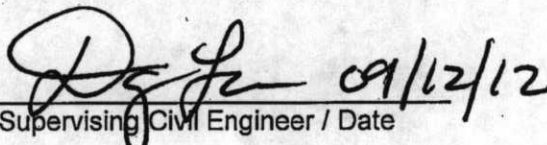
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 9/12/2012  
Resident Engineer / Date

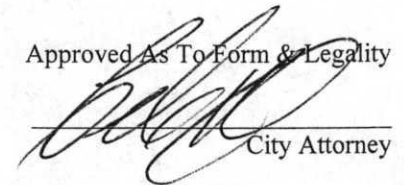
 09/12/12  
Supervising Civil Engineer / Date

**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.



2014 JUN 12 PM 2:29

  
City Attorney

## OAKLAND CITY COUNCIL

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

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

---

1) RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR STREET REHABILITATION AT 17<sup>TH</sup> STREET BETWEEN CASTRO STREET AND LAKESIDE DRIVE, AND AT JACKSON STREET BETWEEN 11<sup>TH</sup> ST AND LAKESIDE DRIVE (PROJECT NO. C464540) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SEVEN HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$791,700.00), AND

2) WAIVING ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO AWARD UP TO ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) TO THE CONTRACT FOR RESURFACING WORK ON JACKSON STREET, FOR A TOTAL CONTRACT AUTHORIZATION OF NINE HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$951,700.00)

**WHEREAS**, the City has received State Proposition 1C Infrastructure grant funds that are eligible for the proposed work; and

**WHEREAS**, on March 27, 2014, two bids were received by the Office of the City Clerk of the City of Oakland for the Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive, and Jackson Street between 11<sup>th</sup> Street and Lakeside Drive (Project C464540); and

**WHEREAS**, the Engineer's estimate for the construction work (including bid alternate) is \$910,775.00; and

**WHEREAS**, Gallagher & Burk, Inc., submitted a bid (including bid alternate) in the amount of \$791,700.00; and

**WHEREAS**, Gallagher & Burk, Inc., is deemed to be the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

**WHEREAS**, staff recommends that it is in the best interests of the City, in light of the favorable bidding environment and low bids, that the Council waive advertising and bidding requirements for additional work not included in the notice inviting bids and authorize the City Administrator or his designee to increase the contract up to One Hundred Sixty Thousand Dollars (\$160,000.00), to add additional work to the contract under the same terms and conditions as the original contract awarded to Gallagher & Burk, Inc.; and

**WHEREAS**, Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 permits the dispensing of advertising and bidding upon a finding by the Council that it is in the best interests of the City to do so; and

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

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

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

- California Housing and Community Development Fund (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C464540); 791,700.00,
- Measure B Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); \$130,000.00; now, therefore be it,

**RESOLVED:** That the contract for the Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive, and Jackson Street between 11<sup>th</sup> Street and Lakeside Drive (Project C464540) is awarded to Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated March 27, 2014, in the amount of Seven Hundred Ninety-One Seven Hundred dollars (\$791,700.00) and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to waive further advertising and bidding for additional work to be added to the above mentioned contract with Gallagher & Burk, Inc. and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to increase the contract award to Gallagher & Burk, Inc., to add additional work not included in the Project No. C464540 notice inviting bids under the same terms and conditions of Gallagher & Burk's original contract award, and to increase the contract up to One Hundred Sixty Thousand Dollars (\$160,000.00) to pay for the additional work, for a total contract authorization of Nine Hundred Fifty-One Thousand Seven Hundred Dollars (\$951,700.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance 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, shall be 100% of the contract price and are hereby approved; 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 his/her designee, are hereby approved; 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 for form and legality and placed on file in the Office of the City Clerk.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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