



AGENDA REPORT

TO: FRED BLACKWELL
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, OPW

SUBJECT: Citywide Street Resurfacing

DATE: March 19, 2014

City Administrator
Approval

Date:

4/14/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council adopt a resolution authorizing the City Administrator, or designee to award a construction contract to Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for Citywide Street Resurfacing (Project No. C369640) and with contractor's bid in the amount of Five Million Three Hundred Ninety-Seven Thousand One Hundred Twenty-Eight Dollars and Sixty-Four Cents (\$5,397,128.64).

OUTCOME

As part of the City's street resurfacing program to improve pavement conditions, the selected streets will be rehabilitated to maintain the City's infrastructure, reduce maintenance costs, and improve driving conditions throughout Oakland. The work to be completed under this project is part of the City's street resurfacing program and includes streets from the City's Prioritized Paving Plan. The work is located throughout the City and a list of streets to be resurfaced is included as *Attachment A*.

BACKGROUND/LEGISLATIVE HISTORY

In general, the proposed work consists of resurfacing approximately 7 centerline miles of City streets. 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; and other related work indicated on the plans and specifications.

This project is part of the citywide program to improve pavement conditions. Oakland has a current backlog of \$435 million in pavement rehabilitation. While small in relation to the current backlog, this contract will help address some of the backlog and prevent further deterioration of these streets. Construction work is anticipated to begin in July 2014 and should be completed by

Item: _____
Public Works Committee
April 29, 2014

January 2015. The contract specifies \$1,000.00 in liquidated damages per calendar day dependent on specific project locations. The project schedule is shown in *Attachment B*.

ANALYSIS

On March 6, 2014, the City Clerk received one bid for the project in the amount of \$5,397,128.64. The only bidder, Gallagher & Burk, Inc., is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the construction work is \$5,167,428.64. Staff has reviewed the bids and has deemed that it is reflective of the current construction bidding environment.

Most of the streets selected for this contract are from the City's Prioritized Paving Plan. The project also includes work on "worst streets". In planning the work, consideration was given to known planned utility projects, such as sewer rehabilitation, gas, and water replacement, which would impact the planned street rehabilitation. The list of proposed streets for this contract is included as *Attachment A*.

Under the proposed contract with Gallagher & Burk, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 132.00%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 59.71% 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:

- Oakland Public Works - Bureau of Infrastructure and Operations
- Utility companies
- In addition, the following review this report and resolutions:
 - Office of the City Attorney
 - City Budget Office

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with Gallagher & Burk, Inc. in the amount of \$5,397,128.64.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract - \$5,397,128.64
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$5,397,128.64
3. SOURCE OF FUNDING:

- Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$3,785,000.00;
- Measure B Bicycle/Pedestrian Design (2212); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369641); \$400,000.00;
- California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$712,128.64;
- Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$500,000.00

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

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

In addition, this contract will create 3.1 miles of new bike lanes which will further encourage residents to use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion. Improved pavement conditions reduce vehicle wear and tear and increase fuel efficiency.

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

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:
Jimmy Mach, 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

**Citywide Street Resurfacing
(Project No. C369640)**

Project Location List

Street Name	Begin Location	End Location	Pavement Treatment	Length in Miles
51st St	Shattuck	Telegraph Ave	4" AC Mill and 4" AC Overlay	0.08
Webster St	6th St	Grand Ave	2" Mill and 2" AC Overlay	0.96
W Grand Ave	Willow St	Campbell	2" AC Mill and 2" AC Overlay	0.08
Grand Ave	El Embarcadero	Wildwood Ave	2" AC Mill and 2" AC Overlay	0.70
Dennison St	Kennedy St	Cotton St	3 ½" AC Mill and 3 ½" AC Overlay	0.03
Yarmouth Ct	Stantonville	East End	2" AC Mill and 2" AC Overlay	0.01
Telegraph Ave	16th St	27th St	2" AC Mill and 2" AC Overlay	0.68
Peralta St	32nd St	Mandela Pkwy	2" AC Mill and 2" AC Overlay	0.51
Adeline St	53rd St	61st St	Slurry Seal	0.65
Ascot Ln	Ascot Dr	South End	2" AC Mill and 2" AC Overlay	0.01
E 18th St	Lakeshore Ave	Park Blvd	2" AC Mill and 2" AC Overlay	0.20
Orchid St	West End	34th Ave	2" AC Mill and 2" AC Overlay	0.01
Ardley Ave	Concrete Pavement Edge	Macarthur Blvd	2" AC Mill and 2" AC Overlay	0.03
High St	Quigley St	Macarthur Blvd	2" AC Mill and 2" AC Overlay	0.10
29th Ave	E 10th St	E 12th St	4" AC Mill and 4" AC Overlay	0.22
Overdale Ave	Seminary Rd	Hillmont Dr	2" AC Mill and 2" AC Overlay	0.07
Van Mourik Ave	Hillmont Dr	Sunnymere Ave	2" AC Mill and 2" AC Overlay	0.06
Sunkist Dr	Edwards Av	Columbian Dr	2" AC Mill and 2" AC Overlay	0.19
20th St	Broadway	Harrison St	2" AC Mill and 2" AC Overlay	0.20
Santa Clara Ave	Fairmont Ave	Harrison St	2" AC Mill and 2" AC Overlay	0.11
*105th Ave	Edes Ave	San Leandro St	4" AC Mill and 4" AC Overlay	0.26
Skyline Blvd	Snake Rd	Pinehurst Blvd	2" AC Mill and 2" AC Overlay	0.80
*Chabot St	College Ave	Golden Gate	2" AC Mill and 2" AC Overlay	0.72
		Total		6.68

*Worst Streets

Attachment B

**Citywide Street Resurfacing
(Project No. C369640)**

Project Construction Schedule

ID	Task Name	Duration	Start	Finish	2013											
					Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb				
1	C369640 Citywide Street Resurfacing	120 days	Tue 7/1/14	Mon 1/5/13												
2	Construction	120 days	Tue 7/1/14	Mon 1/5/15												

List of Bidders

Company	Location	Bid Amount
Gallagher & Burk, Inc.	Oakland	\$5,397,128.64

Attachment C

*Citywide Street Resurfacing
(Project No. C369640)*

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: Jimmy Mach,
Project Manager

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

SUBJECT: Compliance Analysis
Citywide Street Resurfacing
Project No. C369640

DATE: March 19, 2014

City Administrator's Office, Contracts and Compliance Unit reviewed one (1) bid in response to the above referenced project. Below is the outcome of the compliance evaluation for the 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 Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Gallagher & Burk, Inc.	\$5,397,128.64	132.02%	45.12%	7.23%	79.67%	59.71%	132.02%	NA	NA	Y

Comments: As noted above, firm met and/or exceeded the minimum 50% L/SLBE participation requirement. There is only one bidder. Therefore, bid discount is not applicable. The firm is EBO compliant.

*Proposed VSLBE/LPG participation is valued at 39.84%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 79.67%.

Non-Responsive to L/SLBE Program		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		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA



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 & Burk
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	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			
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. C369640

RE: Citywide Street Resurfacing

CONTRACTOR: Gallagher & Burk

<u>Engineer's Estimate:</u> \$5,167,428.60	<u>Contractors' Bid Amount</u> \$5,397,128.64	<u>Over/Under Engineer's Estimate</u> (\$229,700.04)
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<u>Discounted Bid Amount:</u> NA	<u>Amt. of Bid Discount</u> NA	<u>Discount Points:</u> NA
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- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
 - a) % of LBE participation **45.12%**
 - b) % of SLBE participation **7.23%**
 - c) % of VSLBE participation **79.67%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **14.93%**
 - a) Total VSLBE trucking participation **44.78%**

- 4. Did the contractor receive bid discount points? **NA**
(If yes, list the points received) **0%**

5. Additional Comments.
Proposed VSLBE/LPG participation is valued at 39.84%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 79.67%. There is only one bidder. Therefore, bid discounts are not applicable.

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

3/19/2014

Date

Reviewing Officer:

Stephen Hong

Date: 3/19/2014

Approved By

Shelley Doremberg

Date: 3/19/2014

LBE/SLBE Participation Bidder 1

Project Name:		Citywide Street Resurfacing												
Project No.:		C369640		Engineer's Estima			5,167,428.60		Under/Over Engineers Estimate:			-229,700.04		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE
PRIME	Gallagher & Burk	Oakland	CB	2,435,128.64			2,435,128.64				2,435,128.64	C		
Adjust Iron	Johnson	Oakland	Ub								46,000.00	C		
Minor Concrete	Rosas Brothers	Oakland	CB		340,000.00		340,000.00				340,000.00	H	340,000.00	
Slurry Seal	Bond Blacktop	Union City	CB								46,000.00	H	27,522.00	
Stpning	Lineation Markings	Oakland	CB								195,000.00	C		
AC materials	Gallagher & Burk	Oakland	CB			2,000,000.00	2,000,000.00				2,000,000.00	NL		
Trucking	Monroe Truckign	Oakland	CB			150,000.00	150,000.00	150,000.00		150,000.00	150,000.00	C		
Truckign	All City Trucking	Oakland	CB		50,000.00		50,000.00		50,000.00	50,000.00	50,000.00	H	5,735.00	
Trucking	DD Transportation	Dublin	UB							135,000.00	135,000.00	C		
Project Totals				2,435,128.64 45.12%	390,000.00 7.23%	2,150,000.00 79.67%	4,975,128.64 132.02%	150,000.00 44.78%	50,000.00 14.93%	335,000.00 100%	5,397,128.64 100%		373,257.00 6.92%	0.00 0.00%
Requirements: 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	Ethnicity 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			
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						

Attachment D

*Citywide Street Resurfacing
(Project No. C369640)*

Contractor Performance Evaluation

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:

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.

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

WORK PERFORMANCE

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"/>	

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 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.

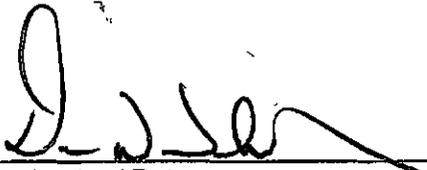
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

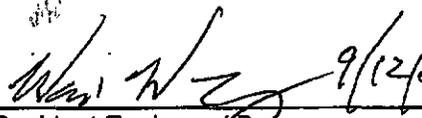
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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



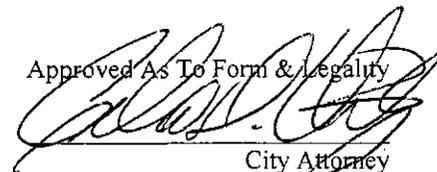
Contractor / Date

 9/12/2012

Resident Engineer / Date

 09/12/12

Supervising Civil Engineer / Date



City Attorney

2014 APR 16 AM 11:14

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET RESURFACING (PROJECT NO. C369640) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS AND SIXTY-FOUR CENTS (\$5,397,128.64)

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

WHEREAS, the City Council adopted Resolution No. 81039 C.M.S. establishing a 5-Year Paving Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, on March 6, 2014, the City conducted bidding for this project and received only one bid from Gallagher and Burk, Inc.; and

WHEREAS, the project locations associated with this project are selected following the above said plan; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; 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 Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$3,785,000.00; and

WHEREAS, there are sufficient Measure B Bicycle/Pedestrian Design (2212); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369641); \$400,000.00; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$712,128.64;

WHEREAS, there are sufficient Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$500,000.00 now, therefore be it,

RESOLVED: That the contract for the Citywide Street Resurfacing Project No. C369640 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 6, 2014, in the amount of Five Million Three Hundred Ninety-Seven Thousand One Hundred Twenty-Eight Dollars and Sixty-Four Cents (\$5,397,128.64) 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