



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAY 16 PM 4:03

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: BART 17th Street Gateway

DATE: April 11, 2013

City Administrator
Approval

Date

5/16/13

COUNCIL DISTRICT: 3

RECOMMENDATION

Resolution Authorizing the City Administrator to Award and Execute a Construction Contract to Bay Construction, the Lowest Responsive and Responsible Bidder, for the BART 17th Street Gateway Improvement Project (Project No. C464510), in the amount of One Million One Hundred Twenty-Eight Thousand Three Hundred Twenty Dollars (\$1,128,320.00) in Accord with the Project Plans and Specifications and the Contractor's Bid.

OUTCOME

Approving this resolution will authorize the City Administrator to award and execute a construction contract with Bay Construction, the lowest responsive and responsible bidder, in an amount of \$1,128,320.00 for the subject project and reject all other bids.

BACKGROUND/LEGISLATIVE HISTORY

On March 4, 2008, the former Redevelopment Agency of the City of Oakland adopted Agency Resolution No. 2008-0029 C.M.S., authorizing the submittal of an application for funding under the Proposition IC Infill Infrastructure Grant ("IIG") program to the California Department of Housing and Community Development ("HCD") for the Uptown Project. This resolution authorized acceptance and appropriation of grant funds from this program for eligible improvements. The BART 17th St. Gateway project was one of 5 sub-projects that were included in the original grant application.

On June 24, 2008, the former Redevelopment Agency was notified of an award of IIG Program funds in the amount of \$9,903,000 for the Central Business District/Uptown area.

Item: _____
Public Works Committee
May 28, 2013

On June 10, 2009, the former Redevelopment Agency issued a targeted Request for Proposals (for the BART 17th St. Gateway Project) located in the Uptown District of Oakland. The four firms solicited under the RFP included, Bottomley Associates, Dillingham Associates, PGA Design, and Sasaki Associates.

In November, 2009, Sasaki Associates was selected from the Request For Proposals to lead the architectural design effort pursuant to Council Resolution 80271 C.M.S.

The goal of the proposed project is to improve an underutilized BART station entry and transform it into a gateway entry point to the Uptown Arts and Entertainment District. The improvements will enhance the visibility of the site and provide a safe and inviting space for the Uptown community and visitors, as well as BART patrons.

The proposed project will enhance the BART entrance, located between Telegraph Avenue and Broadway Avenue near 17th Street, by making improvements to the plaza including lighting, pavement, art beautification and identification signage. See **Attachment A: Site Location Map**.

In addition, through a separate contract, Public Art will play a major role in transforming the image of the alleyway. The contract to commission artist Dan Corson to create an architecturally integrated, large scale wall sculpture including artist-designed lighting elements was approved by the Public Art Advisory Committee, the Cultural Affairs Commission, and the City Council by Resolution No. 82718 C.M.S. on May 4, 2010. The public art will be fabricated and installed in coordination with these project improvements.

The City continued discussions and review of the plans and specifications with:

- Bay Area Rapid Transit (BART)
- Building owners adjacent to the transit plaza
- Community Benefits District

The project was initially issued for bid in summer 2012 and rebid in Spring 2013.

ANALYSIS

On August 2, 2012, the City Clerk received a single bid by Bay Construction for the project as shown on **Attachment B: Bid Results (August 2, 2012)**. Contract Compliance deemed Bay Construction as non-responsive to the Small/Local Business Enterprise (S/LBE) Program as shown on **Attachment C: Contract Compliance Bid Analysis (August 27, 2012)**. The bid amount also exceeded City's available budget for construction. Staff subsequently secured additional State Prop IC funding, approved by Council on December 4, 2012 in Resolution No. 84112 C.M.S.

After securing the additional funds, staff reissued the project for bid. On April 4, 2013, the City Clerk received 6 bids for the project as shown on ***Attachment D: Bid Results (April 4, 2013)***.

Contract Compliance deemed Angotti & Reilly and Gordon Ball non responsive with respect to both LBE/SLBE and Trucking requirements. West Bay Builders was deemed non responsive with respect to Trucking only. And although compliance shows the remaining three bidders, Beliveau Engineering, Bay Construction and McGuire & Hester as responsive firms for LBE/SLBE and trucking, the bid specifications and Notice Inviting Bids specifically stated that glazing installer's qualifications must be submitted with bids. The lowest of the three bidders, Beliveau Engineering, failed to submit the installer's qualification documents and is therefore deemed non-responsive. Bay Construction, the next low bidder, is the resulting lowest responsive and responsible bidder. See ***Attachment E: Contract Compliance Bid Analysis (April 18, 2013)***. The resolution will reject all bids and award the contract to Bay Construction.

The contract specifies \$1,000 in liquidated damages per calendar day if the contract is not completed within 75 working days. Construction is scheduled to begin August 2013 and completed by November 2013.

PUBLIC OUTREACH/INTEREST

Extensive public outreach was conducted by the former Redevelopment Agency and Public Arts staff between 2009 and 2011.

On March 18, 2010, City staff held a design charette, developing strong support from neighborhood property owners, local businesses, as well as stakeholders from BART, the Oakland School of the Arts, the Oakland Ice Center, the Fox Theater, the Paramount Theater, the Community Benefits District, City Council members and the Oakland Chamber of Commerce.

Based on the initial outreach, City staff continued to work with BART over the next eighteen months to refine the design for both the alley improvements as well as the Public Art component. On April 4, 2011, City staff invited all charette participants and community representatives to a meeting held at the Den at the Fox Theatre to present the project designs. Subsequently, on August 11, 2011 Public Art staff invited charette participants to an on-site review of the artwork mock up prior to completing the final design and development of construction documents.

COORDINATION

The project scope and plans have been internally coordinated within the Office of Neighborhood Investment, Planning and Zoning, Cultural Arts and Marketing Public Art Program (including the Public Art Advisory Committee and Cultural Affairs Commission), Public Works Agency

Item: _____
Public Works Committee
May 28, 2013

Right of Way. This report has been coordinated with the Office of Neighborhood Investment, Cultural Arts, Budget Office and City Attorney's office.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to award and execute a construction contract to Bay Construction in the amount of \$1,128,320.

1.	AMOUNT OF RECOMMENDATION/COST OF PROJECT:	
	Construction Cost	\$1,128,320
	Contingency	\$225,664
	Soft Cost: Construction Management, Special Inspections, Consultant Construction Support	\$118,000
	<hr/> Total Project Costs	<hr/> \$1,471,984

2. COST ELEMENTS OF AGREEMENT/CONTRACT: N/A

3. SOURCE OF FUNDING:

<u>FUNDING SOURCE</u>	<u>AMOUNT</u>
California Housing & Community Development Fund (2144); Project (C464510)	\$1, 423,984
<hr/> Fund (9717); Project (S391610)	<hr/> \$48,000
Total Available Funds	\$1,471,984

4. FISCAL IMPACT:

Approval of this resolution will authorize the City Administrator to award and execute a construction contract in an amount of \$1,128,320 for the BART 17th Street Gateway Project.

BART is responsible for the maintenance of this plaza and has reviewed and granted the City a right of entry. There are no City maintenance costs to this project.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Bay Construction's last performance evaluation was Satisfactory. See *Attachment F: Contractor Evaluation (January 7, 2013)*.

SUSTAINABLE OPPORTUNITIES

Economic: The project will improve the worn and outdated plaza and generate economic and job opportunities for Oakland residents, provide business tax, sales tax, and other revenues for the City by those who work on the project.

Environmental: The contractor is required to recycle and re-use construction materials to the extent practicable and comply with City standards.


Social Equity: The improvements will enhance access for BART users and the public, providing an inviting plaza.

CEQA

In a letter dated May 23, 2011 from the City of Oakland's Director of Community and Economic Development Agency to BART, this project is exempt under Article 19 of the CEQA Guidelines - Categorical Exemptions. Specifically, this project is exempt under Section 15301 - Existing Facilities. Section 15301 states Class 1 exemptions consist of "...the...minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

For questions regarding this report, please contact Denise Louie, CIP Coordinator, at 510-238-3682.

Respectfully submitted,

for 
VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director,
PWA, Department of Engineering and Construction

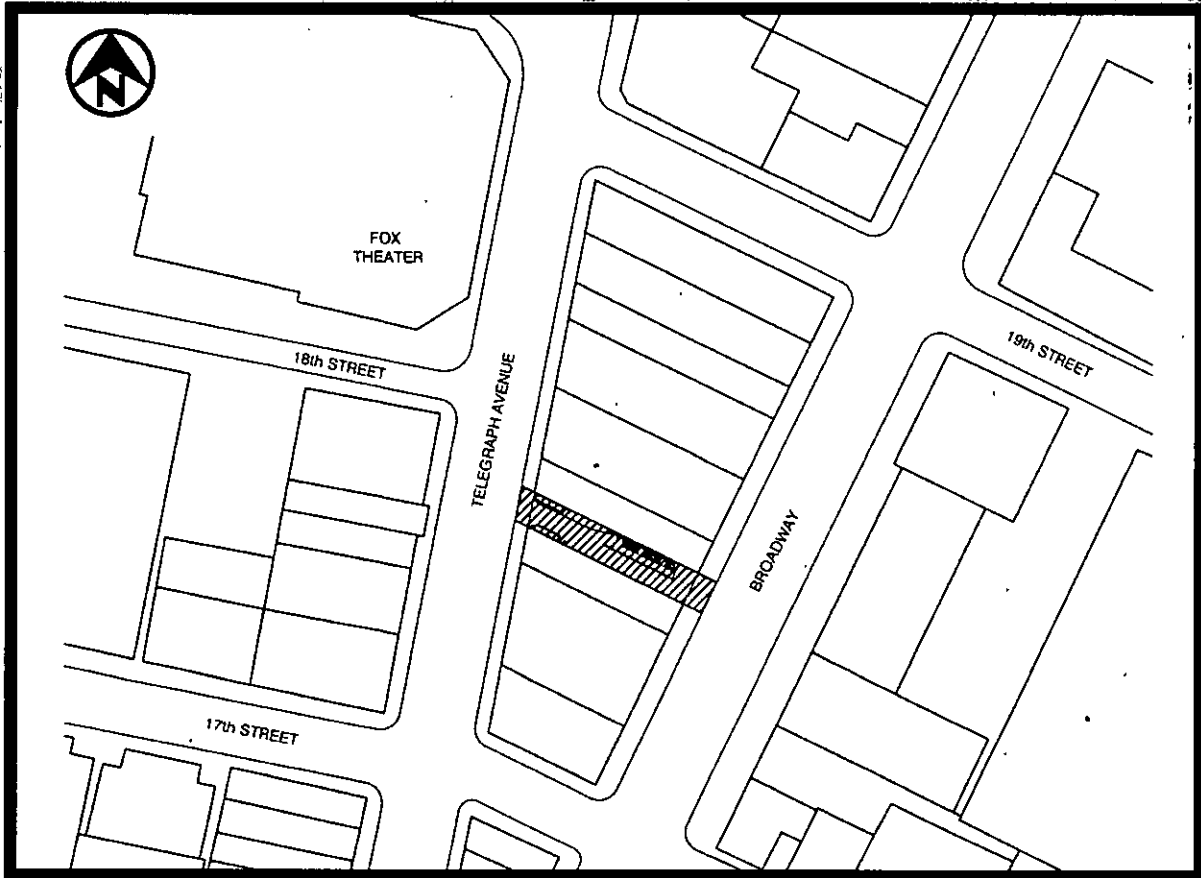
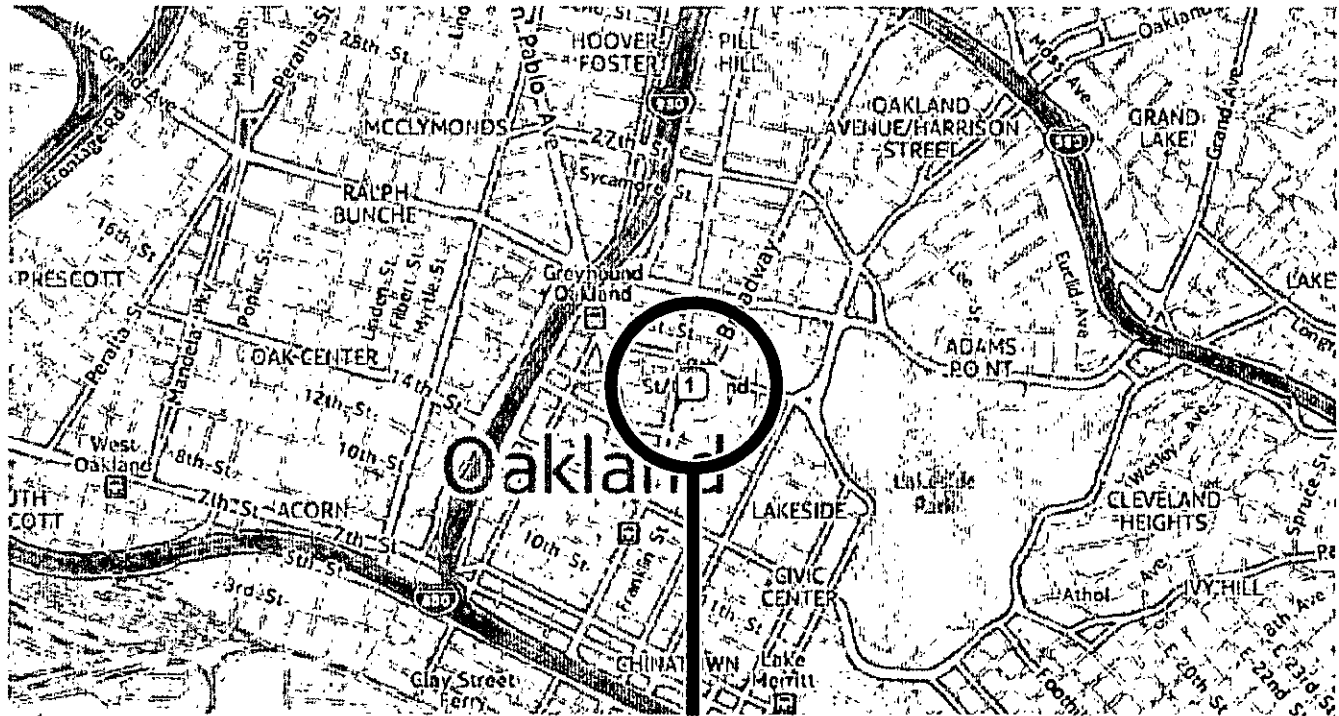
Prepared by:
Denise Louie, CIP Coordinator
Project Delivery, Project & Grant Mgmt. Unit

Attachments

- A- Location Map & Project Site Plan**
- B- Bid Results (August 2, 2012)**
- C- Contract Compliance Bid Analysis (August 27, 2012)**
- D- Bid Results (April 4, 2013)**
- E- Contract Compliance Bid Analysis (April 18, 2013)**
- F- Contractor Evaluation (January 7, 2013)**

Item: _____
Public Works Committee
May 28, 2013

Attachment A:
BART 17th Street Gateway Project
Site Location Map



CITY OF OAKLAND

Public Works Agency - Contract Services

Attachment B:
BART 17th Street Gateway Project
Bid Results, August 2, 2012

PRELIMINARY BID RESULTS		Documents Required With Bid		Bay Construction Co.	
PROJECT NAME:	BART 17th Street Gateway at 1727 Broadway	B1	Proposal Form	Y	
PROJECT NO:	S391610	B1	License Type & Is It Active per CSLB?	A	Y
BID DATE:	Thursday, August 02, 2012	B1	Addendum 1 acknowledgement	Y	
ENGINEER'S ESTIMATE:	\$500,000.00	B2	Bid Schedule	Y	
COMMENTS:		B3	Bid Bond	Y	
		B6	Schedule O	Y	
		B7	Schedule R	Y	

**ISSUED TO COMPLIANCE,
PROJECT MANAGER AND
ALL PRIME BIDDERS:**

Thursday, August 02, 2012

COMPLIANCE OFFICER:

Sophany Hang

		Engineer's Estimate		Bay Construction Co.	
Item Number	Item Description	Amount		Amount	
1	LUMP SUM BASE BID	\$	500,000.00	\$	1,115,000.00
	Total of Base Bid	\$	500,000.00	\$	1,115,000.00



INTER OFFICE MEMORANDUM

TO: Denise Louie
 CIP Coordinator

FROM: Deborah Barnes
 Manager, Contracts and Compliance

SUBJECT: Compliance Analysis
 For Bart 17th Street Gateway
 Project No. S391610

DATE: August 27, 2012

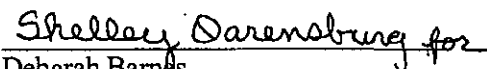
The City Administrator's Office, Contracts and Compliance Unit, reviewed one (1) bid in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for 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 Program		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Tucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

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		
Bay Construction	\$1,115,000	38.24%	0%	38.24%	0%	0%	0%	NA	NA	Y

Comments: As noted above, Bay Construction failed to meet the 50% L/SLBE minimum participation and 50% L/SLBE trucking requirement. Therefore, they are deemed non-responsive.


 Deborah Barnes
 Manager, Contracts and Compliance

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: Bay Construction
 Project Name: Sidewalk Improvements at Glascock Street

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	149.5
Were shortfalls satisfied?	No	If no, penalty amount?	\$ 1,545.69

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
879	0	50%	438	100	438	0	0	100	88	15%	131	43

Comments: Bay Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and did not meet the 15% Oakland Apprenticeship Program goals with 0 on site and 0 off site hours

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

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: S391610

PROJECT NAME: Bart 17th Street Gateway

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$500,000.00	<u>Contractors' Bid Amount</u> \$1,115,000.00	<u>Over/Under Engineer's Estimate</u> -\$615,000.00
<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%

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

- 2. Did the contractor meet the 20% requirement? **NO**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **38.24%**

- 3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total L/SLBE trucking participation **0.00%**

- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0.00%**

5. Additional Comments.

Contractor failed to meeting the minimum 50% L/SLBE participation requirement with 10.67% L/SLBE shortfall. Therefore, they deemed non-responsive.

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

8/27/2012

Date

Reviewing Officer:

Shing Hang

Date: **8/27/2012**

Approved By:

Shelley Darenburg

Date: **8/27/2012**

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: **Bart 17th Street Gateway**

Project No.: 8391610		Engineers Est: \$500,000.00				Under/Over Engineers Estimate: -\$615,000.00				For Tracking Only		
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
Glazing	Progress Glass	Cotati	UB						328,650.00	C		
Street Work	Bay Area Welding	Richmond	UB						110,000.00	NL		
Paving	Superior Tile	Oakland	UB						167,495.00	NL		
Electrical	Bay Area Lighting	SF	UB						82,500.00	NL		
Project Totals				\$0 0.00%	\$426,355.00 38.24%	\$426,355.00 38.24%	\$0.00 0.00%	\$0.00 0.00%	\$1,115,000.00 100.00%		5426,355.00 38.24%	\$0 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.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise 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 OF OAKLAND
Public Works Agency - Contract Services

Attachment D:
BART 17th Street Gateway Project
Bid Results, April 4, 2013

PRELIMINARY BID RESULTS		Documents Required With Bid		BAY CONSTRUCTION		MCQUIRE AND HESTER		ANGOTTI & REILLY		WEST BAY BUILDERS		BEUVEAU ENGINEERING CONTRACTORS, INC.		GORDON H. BALL	
PROJECT NAME:	BART 17th Street Gateway Project	Proposal Form		Y		Y		Y		Y		Y		Y	
PROJECT NO:	C464510	License Type and Is It Active per CSLB?		A	Y	A	Y	A	Y	A	Y	A	Y	A	Y
BID DATE:	Thursday, April 04, 2013	Addendum acknowledgement		Y		Y		Y		Y		Y		Y	
ENGINEER'S ESTIMATE:	\$900,000.00	Bid Schedule		Y		Y		Y		Y		Y		Y	
ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS:	Thursday, April 04, 2013	Bid Bond		Y		Y		Y		Y		Y		Y	
BASIS OF AWARD:	base bid	Schedule O		Y		Y		Y		Y		Y		Y	
COMPLIANCE OFFICER:	Sophy Hong	Schedule R		Y		Y		Y		Y		Y		Y	
COMMENTS:		Qualifications-Glazing		Y - tbd		Y - tbd		Y - tbd		Y - tbd		Y - tbd		Y - tbd	

- 1) Angotti & Reilly's bid total differs from City's calculation by \$1.60
2) The PWA Project Manager will determine if the glazing qualifications submitted meet the requirements per the Specifications

Item Number	Payment Spec. Section	Item Description	Engineer's Estimate				BAY CONSTRUCTION		MCQUIRE AND HESTER		ANGOTTI & REILLY		WEST BAY BUILDERS		BEUVEAU ENGINEERING CONTRACTORS, INC.		GORDON H. BALL	
			Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1		Mobilization	1	LS	\$ 28,000.00	\$ 22,000.00	\$ 39,200.00	\$ 39,200.00	\$ 30,000.00	\$ 30,000.00	\$ 28,689.00	\$ 28,689.00	\$ 213,000.00	\$ 213,000.00	\$ 45,000.00	\$ 45,000.00	\$ 135,000.00	\$ 135,000.00
2		Demolition/Site Preparation	1	LS	\$ 55,000.00	\$ 55,000.00	\$ 59,600.00	\$ 59,600.00	\$ 120,000.00	\$ 120,000.00	\$ 70,010.00	\$ 70,010.00	\$ 75,000.00	\$ 75,000.00	\$ 83,200.00	\$ 83,200.00	\$ 100,000.00	\$ 100,000.00
3		Drainage	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 22,400.00	\$ 22,400.00	\$ 13,000.00	\$ 13,000.00	\$ 26,672.00	\$ 26,672.00	\$ 5,000.00	\$ 5,000.00	\$ 15,500.00	\$ 15,500.00	\$ 20,000.00	\$ 20,000.00
4		Site Lighting	1	LS	\$ 90,000.00	\$ 90,000.00	\$ 87,360.00	\$ 87,360.00	\$ 84,000.00	\$ 84,000.00	\$ 78,640.00	\$ 78,640.00	\$ 87,000.00	\$ 87,000.00	\$ 103,100.00	\$ 103,100.00	\$ 95,000.00	\$ 95,000.00
5		Site Improvements-Site Paving: Type A Stone Pavers & Type B Concrete	1	LS	\$ 110,000.00	\$ 110,000.00	\$ 252,000.00	\$ 252,000.00	\$ 220,000.00	\$ 220,000.00	\$ 252,434.00	\$ 252,434.00	\$ 205,000.00	\$ 205,000.00	\$ 219,000.00	\$ 219,000.00	\$ 265,977.00	\$ 265,977.00
6		Site Improvements - Glass Enclosure Glazing including Door- Fabrication, Shipping	1	LS	\$ 170,000.00	\$ 270,000.00	\$ 179,200.00	\$ 179,200.00	\$ 170,000.00	\$ 170,000.00	\$ 252,115.00	\$ 252,115.00	\$ 132,000.00	\$ 132,000.00	\$ 184,600.00	\$ 184,600.00	\$ 250,000.00	\$ 250,000.00
7		Site Improvements - Glass Enclosure Glazing including Door - Installation/Labor	1	LS	\$ 77,000.00	\$ 77,000.00	\$ 143,360.00	\$ 143,360.00	\$ 100,000.00	\$ 100,000.00	\$ 68,381.00	\$ 68,381.00	\$ 114,000.00	\$ 114,000.00	\$ 228,000.00	\$ 228,000.00	\$ 150,000.00	\$ 150,000.00
8		Site Improvements - Glass Enclosure Structure, including Steel, Grating, Concrete Vent Shaft Walls	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 89,600.00	\$ 89,600.00	\$ 120,000.00	\$ 120,000.00	\$ 171,963.00	\$ 171,963.00	\$ 132,000.00	\$ 132,000.00	\$ 86,900.00	\$ 86,500.00	\$ 185,000.00	\$ 185,000.00
9		Site Improvements - Vent Chamber modification in fan room	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 56,000.00	\$ 56,000.00	\$ 173,000.00	\$ 173,000.00	\$ 12,821.00	\$ 12,821.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 110,000.00	\$ 110,000.00
10		Site Improvements - Other	1	LS	\$ 69,000.00	\$ 63,000.00	\$ 89,600.00	\$ 89,600.00	\$ 23,050.00	\$ 23,050.00	\$ 21,369.00	\$ 21,369.00	\$ 1,000.00	\$ 1,000.00	\$ 50,000.00	\$ 50,000.00	\$ 6,800.00	\$ 6,800.00
11		Allowance	1	Allowance	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00
		Total of Base Bid Items per spreadsheet calculation				\$ 900,000.00		\$ 1,125,120.00		\$ 1,133,050.00		\$ 1,063,094.00		\$ 1,049,000.00		\$ 1,114,900.00		\$ 1,397,777.00
		Total of Base Bid Items per contractor calculation					\$ 1,118,320.00		\$ 1,133,050.00		\$ 1,063,095.00		\$ 1,049,000.00		\$ 1,114,900.00		\$ 1,397,777.00	



CITY OF OAKLAND

Attachment E:

BART 17th Street Gateway Project Contract
Compliance Bid Analysis, April 18, 2013

INTER OFFICE MEMORANDUM

TO: Denise Louie
Project Manager

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

SUBJECT: Compliance Analysis
BART 17th Street Gateway (Rebid)
Project No. C464510

DATE: April 18, 2013

The City Administrator's Office, Contracts and Compliance Unit, reviewed six (6) bids 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.

The above referenced project contains specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 50% L/SLBE requirement.

The spreadsheet below is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).

Responsive				Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
Beliveau Engineering Contractors, Inc.	\$1,114,900	\$499,100	\$671,000	101.42%	0%	86.40%	15.02%	100%	101.42%	5%	\$1,081,350	Y
Bay Construction	\$1,128,320	\$412,160	\$716,160	101.81%	0%	79.47%	22.34%	100%	101.31%	5%	\$1,092,512	Y
McGuire & Hester	\$1,133,050	\$390,000	\$743,050	92.32%	46.32%	23.46%	22.54%	100%	92%	5%	\$1,095,897.50	Y

Comments: As noted above, all firms exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. Beliveau Engineering Contractors, Inc, Bay Construction, hlc and McGuire & Hester's VSLBE participation values were 7.51%, 11.17% and 11.27% respectively. However, per the L/SLBE Program a VSLBE's participation is double counted towards meeting the requirement. Therefore, the VSLBE participation for these firms are 15.02%, 22.34% and 22.54%. All firms are EBO compliant.

Non-Responsive				Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
West Bay Builder	\$1,049,000	\$378,000	\$671,000	54.49%	0%	28.55%	25.94%	0%	0%	0%	\$0	Y
Angotti & Reilly, Inc.	\$1,063,094	\$492,459	\$570,635	0%	0%	0%	0%	0%	0%	0%	0%	N
Gordon N. Ball, Inc.	\$1,397,777	\$585,000	\$812,777	0%	0%	0%	0%	0%	0%	0%	0%	N

Comments: As noted above, all failed to meet the required 50% trucking participation requirement. Therefore, they are deemed non-responsive. West bay Builders is EBO compliant.

For Informational Purposes

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

Contractor Name: Beliveau Engineering
 Project Name: Improvements...2333 Tunnel Road...
 Project No: C995810

Emergency Construction of permanent

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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
670	335	50%	421	100	421	0	0	100	101	15%	101	0

Comments: Beliveau Engineering exceeded the Local Employment Program's 50% resident hiring goal met the 15% Oakland Apprenticeship Program goals with 50.5 on-site hours and 50.5 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$900,000.00	<u>Contractors' Original Bid</u> \$1,114,900.00	<u>Specialty Dollar Amount</u> \$499,100.00	<u>Over/Under Engineer's</u> -\$214,900.00
---	--	--	---

<u>Discounted Bid Amount:</u> \$1,081,350.00	<u>Amount of Bid Discount</u> \$33,550.00	<u>Non-Specialty Bid Amt.</u> \$671,000.00	<u>Discount Points:</u> 5%
---	--	---	-------------------------------

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

2. Did the contractor meet the 50% requirement? **YES**

b) % of LBE participation **0%**
c) % of SLBE participation **86.40%**
d) % of VSLBE/LPG Participation ***15.02%**

3. Did the contractor meet the L/SLBE Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100%**

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

(If yes, list the percentage received) **5%**



5. Additional Comments.

Bid item # 6,7, and 8 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. *Proposed VSLBE/LPG participation is valued at 7.1%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 7.51%.

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

4/18/2013
Date

Reviewing Officer:

Date:

4/18/2013

Approved By:

Date:

4/18/2013

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: BART 17th Street Gateway-Rebid															
Project No.: C464510		Engineers Est: 900,000					Under/Over Engineers Estimate: -214,900					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	VSLBE/LPG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				
			Status			*double counted value	LBE/SLBE	Trucking	Trucking		Dollars	Ethn.	MBE	WBE	
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	CB		528,044		528,044			528,044	892,544	C			
Trucking	Williams Trucking	Oakland	CB		4,000		4,000	4,000	4,000	4,000	4,000	AA	4,000		
Glazing	Safeshield, Inc	Oakland	UB								134,600	NL			
Electrical	Summerhill Electric	Oakland	CB			83,756	83,756			83,756	83,756	AA	83,756.00		
Project Totals					\$0	\$532,044	\$83,756	\$615,800	\$4,000	\$4,000	\$615,800	\$1,114,900		87,756	\$0
				0%	86.40%	*15.02	100%	100%	100%	100%	100%	100%		0%	0%
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.												AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LEE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBESLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NFSLBE = NonProfit Small Local Business Enterprise						UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$900,000.00	<u>Contractors' Original Bid</u> \$1,128,320.00	<u>Specialty Dollar Amount</u> \$412,160.00	<u>Over/Under Engineer's</u> -\$228,320.00
<u>Discounted Bid Amount</u> \$1,092,512.00	<u>Amount of Bid Discount</u> \$35,808.00	<u>Non-Specialty Bid Amt.</u> \$716,160.00	<u>Discount Points:</u> 5%

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

- 2. Did the contractor meet the 50% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **79.47%**
 - d) % of VSLBE/LPG Participation ***22.34%**

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

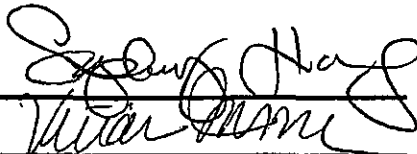
- 4. Did the contractor receive bid discounts? **YES**
 - (If yes, list the percentage received) **5%**

- 5. Additional Comments.
Bid item # 6, 7, and 8 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.
*Proposed VSLBE/LPG participation is valued at 11.17%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 22.34%.

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

4/18/2013
Date

Reviewing Officer:



Date:

4/18/2013

Approved By:



Date:

4/18/2013

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: BART 17th Street Gateway-Rebid														
Project No.: C464510		Engineers Est. 900,000					Under/Over Engineers Estimate: -228,820							
Discipline	Prime S Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total	L/SLBE	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	For Tracking Only			
							LBE/SLBE	Trucking	Trucking		Ethn.	MBE	WBE	
PRIME	Bay Construction	Oakland	CB		397,160		397,160		397,160	483,320.00	AP	397,160		
Glazing	Progress Glass	Cotati	UB							326,000	C			
Metal	UMO Steel, Inc.	Union City	UB						67,000	67,000	H	67,000		
Tile	Jones Tile	Oakland	CB		170,000		170,000		170,000	170,000	AA	170,000		
Electrical	Summerhill Electric	Oakland	CB			80,000	80,000		80,000	80,000	AA	80,000		
Trucking	CJC Trucking	Oakland	CB		2,000		2,000	2,000	2,000	2,000	AA	2,000		
Project Totals					\$0	\$569,160	\$80,000	\$649,160	\$2,000	\$716,160	\$1,128,320		\$716,160	\$0
				0%	79.47%	*22.34	101.81%	100%	100%	100%	100%		100%	0%
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. A LPB/VSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBESLBE = 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										

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: McGulre and Hester

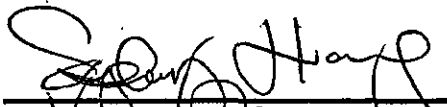

<u>Engineer's Estimate:</u> \$900,000	<u>Contractors' Original Bid</u> \$1,133,050	<u>Specialty Dollar Amount</u> \$330,000	<u>Over/Under Engineer's</u> -\$233,050
<u>Discounted Bid Amount:</u> \$1,095,897.50	<u>Amount of Bid Discount</u> \$37,152.50	<u>Non-Specialty Bid Amt.</u> \$743,050	<u>Discount Points:</u> 5%

1. Did the 50% requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **YES**
- b) % of LBE participation **46.32%**
 - c) % of SLBE participation **23.46%**
 - d) % of VSLBE/LPG Participation ***22.54%**
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
- a) Total L/SLBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
- (If yes, list the percentage received) **5%**

5. Additional Comments.
Bid Item # 6, 7, and 8 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.
***Proposed VSLBE/LPG participation is valued at 11.27%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 22.54%.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. **4/18/2013**
Date

Reviewing Officer:

Date: **4/18/2013**

Approved By:

Date: **4/18/2013**

LBE/SLBE PARTICIPATION BIDDER 5

Project Name: BART 17th Street Gateway-Rebid														
Project No.: C464510		Engineers Est: 900,000					Under/Over Engineers Estimate: -233,050							
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	*VSLBE/LPG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
			Status			double counted value	LBE/SLBE	Trucking	Trucking		Dollars	Ethn.	MBE	WBE
PRIME	McGuire and Hester	Oakland	CB	344,215.54						344,215.54	413,415.54	C		
Glass Installer	Progress Glass Co.	Cotati	UB								320,800	NL		
Trucking Material	All City Trucking	Oakland	CB		3,000		3,000	3,000	3,000	3,000	3,000	AA	3,000	
Pavers(Granite)	Jones Tile +Marble	Oakland	CB		171,298		171,298			171,298	171,298	AA	171,298	
Metals	Bay Area Welding	Richmond	UB							120,900.46	120,900.46	H	120,900.46	
Rebar	Shepard Steel	SF	UB							19,880	19,880	NL		
Electrical	Summerhill Electric	Oakland	CB			83,756	83,756			83,756	83,756	AA	83,756	
Project Totals				\$344,215.54	\$174,298	\$83,756	\$258,054	\$3,000	\$3,000	\$743,050	\$1,133,050		\$378,954.46	\$0
				46.32%	23.46%	*22.54%	92.32%	100%	100%	100%	100%		51.00%	0%
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. A LPB/VSLBE's participation is double counted toward meeting the requirements.												AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hisoanic NA = Native Amerikan O = Other NL = Not Listed MO = Multiple Onnership		
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 CS = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: West Bay Builders, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's</u>
\$900,000.00	\$1,049,000.00	\$378,000.00	-\$149,000.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$0.00	\$0.00	\$671,000.00	0%

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

- 2. Did the contractor meet the 50% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **28.55%**
 - d) % of VSLBE/LPG Participation ***25.94%**

- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **0%**

- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0%**

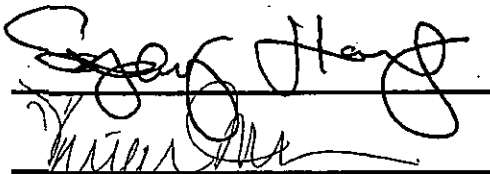
5. Additional Comments.

Bid items # 6,7, and 8 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Contractor failed to meet the 50% L/SLBE trucking participation requirement. therefore, they are deemed non-responsive.

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

4/18/2013
Date

Reviewing Officer:



Date:

4/18/2013

Approved By:



Date:

4/18/2013

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: BART 17th Street Gateway-Rebid															
Project No.: C464510		Engineers Est: 900,000					Under/Over Engineers Estimate: -149,000								
Discipline	Prime & Subs	Location	CerL Status	LBE	SLBE	*VSLBE/LPG double counted value	Total	L/SLBE	Total	*Non- Specially Bid Amount	TOTAL Original Bid Amount Dollars	For Tracking Only			
							LBE/SLBE	Trucking	Trucking			Ethn.	MBE	WBE	
PRIME	West Bay Builders, Inc.	Novato	UB							177,500	379,700.00	C			
Electrical	Summerhill Electric	Oakland	CB			87,000	87,000			87,000	87,000	AA	87,000		
Paver	Jones Tile and Marble	Oakland	CB		167,500		167,500			167,500	167,500				
Steel/MiscMetals	P. Gilmore	Oakland	UB							107,000	107,000	AA	107,000		
Concrete/Demo/Drainage	JML Engineering	Oakland	CB		132,000		132,000			132,000	132,000	NA	132,000		
Glazing Supplier	Pulp Studio	LA	UB								75,800				
Glazing Install	AHC Glass	Hayward	UB								100,000		NL		
Project Totals				\$0.00	\$299,500	\$87,000	\$386,500	\$0	\$0	\$671,000	\$1,049,000		326,000	\$0	
				0%	28.55%	*25.94%	54.49%	0%	0%	100%	100%		31.08%	0%	
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. A LPGVSLBE's participation is double counted toward meeting the requirements.												Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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											

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: Angotti & Reilly Inc.

<u>Engineer's Estimate:</u> \$900,000.00	<u>Contractors' Original Bid</u> \$1,063,094.00	<u>Specialty Dollar Amount</u> \$492,459.00	<u>Over/Under Engineer's</u> -\$163,094.00
--	---	---	--

<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Non-Specialty Bid Amt.</u> \$570,635.00	<u>Discount Points:</u> 0%
--	--	--	--------------------------------------

- 1. Did the 50% requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **NO**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0%**
 - d) % of VSLBE/LPG Participation **0%**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **NO**
 - a) Total L/SLBE trucking participation **0%**
- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0%**

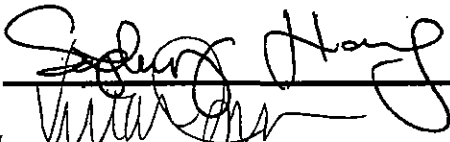
5. Additional Comments.

Bid items # 6,7, and 8 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Contractor failed to meet the minimum 50% L/SLBE participation requirement. therefore, they are deemed non-responsive.

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

4/18/2013
Date

Reviewing Officer:



Date:

4/18/2013

Approved By



Date:

4/18/2013

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: BART 17th Street Gateway-Rebid														
Project No.: C464510		Engineers Est: 900,000					Under/Over Engineers Estimate: -163,094							
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	VSLBE/LPG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
			Status			*double counted value								
PRIME	Angotti & Reilly Inc.	SF	UB							150,752	348,211	C		
Concrete	DeHaro Ramirez	SF	UB							59,000	59,000	H	59,000	
Metals	Bay Area Welding	Richmond	UB							120,946	120,946	NL		
Paves	Superior Tiles	San Leandro	UB							171,298	171,298	AP	171,298	
Glazing	AHC Glass	Hayward	UB							295,000	295,000	NL		
Electrical	Steiny Company	Vollejo	UB							68,639	68,639	NL		
Project Totals				\$0.00	\$0	\$0	\$0	\$0	\$0	\$570,635	\$1,063,094		\$230,298	\$0.00
				0%	0%	0%	0%	0%	0%	100%	100%		21.66%	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. A LPG/VSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic HA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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				US = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C464510

PROJECT NAME: BART 17th Street Gateway-Rebid

CONTRACTOR: Gordon N. Ball, Inc.

<u>Engineer's Estimate:</u> \$900,000	<u>Contractors' Original Bid</u> \$1,397,777	<u>Specialty Dollar Amount</u> \$585,000	<u>Over/Under Engineer's</u> -\$497,777
---	--	--	---

<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Non-Specialty Bid Amt.</u> \$812,777	<u>Discount Points:</u> 0%
---	---	---	--------------------------------------

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

- 2. Did the contractor meet the 50% requirement? **NO**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0%**
 - d) % of VSLBE/LPG Participation **0%**

- 3. Did the contractor meet the L/SLBE Trucking requirement? **NA**
 - a) Total L/SLBE trucking participation **0%**

- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0%**

5. Additional Comments.

Bid Item # 7 is considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Contractor failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

4/18/2013

Date

**Reviewing
Officer:**

[Signature]

Date:

4/18/2013

Approved By

[Signature]

Date:

4/18/2013

LBE/SLBE PARTICIPATION BIDDER 6

Project Name: BART 17th Street Gateway-Rebid															
Project No.: C464510		Engineers Est: 900,000				Under/Over Engineers Estimate: -497,777									
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	*VSLEE/L PG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	For Tracking Only			
							LBE/SLBE	Trucking	Trucking			Ethn.	MBE	WBE	
			Status			double counted value									
PRIME	Gordon N. Ball, Inc.	Alamo	UB							693,281	949,631.00	C			
Glazing	Progress Glass	Cotati	UB								328,650	NL			
Steel Work	Bay Area Welding	Richmond	UB							119,496	119,496	NL			
Project Totals				\$0	\$0	\$0	\$0	\$0	\$0	\$812,777	\$1,397,777		\$0	\$0	
				0%	0%	0%	0%	0%	0%	100%	100%		0%	0%	
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. A LPB/VSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Nat/Ne American O = Other NL = Not Listed MO = Multiple Ownership				
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									

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

Project Number/Title: C376710, C377010, C373810, C290810 - Leveling the Playing Fields Phase II

Work Order Number (if applicable): _____

Contractor: Bay Construction

Date of Notice to Proceed: 10/21/2011

Date of Notice of Completion: 01/07/2013

Date of Notice of Final Completion: 01/07/2013

Contract Amount: \$1,644,445.57 / \$1,738,064.09

Evaluator Name and Title: Elise Ramirez - Assistant Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input 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 type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

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	<p>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?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount.\$ _____</p>				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	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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

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.

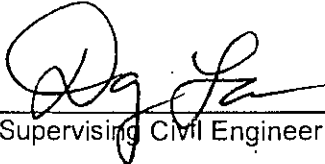
COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

Contractor / Date



Resident Engineer / Date

1/22/13



Supervising Civil Engineer / Date

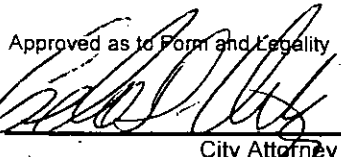
01/25/13

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

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2013 MAY 16 PM 4:04

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE BART 17TH STREET GATEWAY IMPROYEMENT PROJECT (PROJECT NO. C464510), IN THE AMOUNT OF ONE MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND THREE HUNDRED TWENTY DOLLARS (\$1,128,320.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID

WHEREAS, the City of Oakland was awarded State Proposition 1C funds for the construction of the BART 17th Street Gateway (Project C464510); and

WHEREAS, this project was initially bid in August 2012 and the single bid received exceeded the available construction fund and also deemed non-responsive to City's LBE/SLBE goals; and

WHEREAS, Council approved additional funding allocation from State Proposition 1C in December 2012 per Resolution 84112 C.M.S.; and

WHEREAS, it was determined that it was in the City's best interest to rebid the project; and

WHEREAS, on April 4, 2013, 6 bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, 4 of the 6 bids were deemed non-responsive to City's LBE/SLBE, trucking or bid submittal requirements; and

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

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

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 City Administrator is authorized to award and execute a construction contract to Bay Construction, the lowest responsive and responsible bidder, for the BART 17th Street Gateway (Project No. C464510) in an amount of One Million One Hundred Twenty-Eight Thousand Three Hundred Twenty Dollars (\$1,128,320.000) in accord with the project plans and specifications from Round 2; and be it

FURTHER RESOLVED, That Round 1 bids and all other Round 2 bids are hereby rejected; and be it

FURTHER RESOLVED, That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; ; and be it

FURTHER RESOLVED, That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, That Bay Construction shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED, That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

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