



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 MAR 28 PM 1:24

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Ryan Russo  
Director, OakDOT

**SUBJECT:** Concrete Construction for Paving  
Project 1004419

**DATE:** February 25, 2019

City Administrator Approval

Date:

3/27/19

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive, Responsible Bidder, For Concrete Work For Paving Project (Project No. 1004419) In Accordance With Specifications For The Project And With Contractor's Bid In The Amount Of One Million Two Hundred Nineteen Thousand Nine Hundred Dollars (\$1,219,900.00).**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with Ray's Electric, in the amount of \$1,219,900.00 for Concrete Work For Paving Project (Project No. 1004419). The Engineer's estimate for the work is \$1,409,880.00 and in general includes 20,000 square feet of concrete sidewalk replacement; 220 curb ramp installations and related ancillary items required for the construction of sidewalk and curb ramps. Improvements will be constructed on the following streets listed below ahead of the planned paving which will take place over the next two years.

## BACKGROUND / LEGISLATIVE HISTORY

On February 28, 2019, the City Clerk received three (3) bids for this project in the amounts of \$1,219,900.00 by Ray's Electric; \$1,337,500.00, by Rosa Bros. Construction; and \$1,406,000.00, by AJW Construction. Ray's Electric is deemed the lowest responsive and responsible bidder and is recommended for the award.

Item: \_\_\_\_\_  
Public Works Committee  
April 9, 2019

**ANALYSIS AND POLICY ALTERNATIVES**

As part of paving work on a street, curb ramps and sidewalks must be updated to comply with the Americans Disability Act (ADA) accessibility standards. This project will perform curb ramp construction and sidewalk repair on corridors that will be paved as part of the forthcoming Pavement Rehabilitation Project No. 2, Project 1004419 and future year paving. These streets were prioritized through the 2014 Five-Year Pavement Prioritization Plan (Resolution No. 85227 C.M.S) (**Attachment C**) or through City Council's worst streets policy. The improvements will be constructed on the following streets listed below in Table 1, titled "Project Limits".

Separating the concrete and paving construction scope into two contracts typically leads to more competitive bids for the concrete work. Competitive bids lower the cost to construct curb ramps and repair sidewalks along streets that will be paved.

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

Construction scheduled for this construction contract is to begin in the Summer 2019 and should be completed in 80 working days from the notice to proceed. The contract specifies \$1,000.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

**Table 1 Project Limits**

Road	Begin	End
98th Avenue	Doolittle Drive	I-880
Franklin Street	6th Street	Broadway
Telegraph Avenue	MacArthur Blvd	52nd Street
West Grand Avenue	Wood Street	Market Street
52nd Street	Seminary Avenue	Martin Luther King Jr. Way
69th Avenue	International Boulevard	San Leandro Street
8th Street	Market Street	Pine Street
Adeline St	Middle Harbor	10th Street
Camden Street	Seminary Avenue	Brann St
Claremont Avenue	Alvarado Road	Grizzly Peak Road
Coolidge Road	Foothill Boulevard	MacArthur Boulevard
Middle Harbor	End of Overpass	3rd Street
Pine St	8th Street	10th Street
West Street	West Grand Avenue	Martin Luther King Jr. Way

### **FISCAL IMPACT**

The total one-time cost for this project is included in the FY 2018-19 Budget in Fund 5330 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1001293.

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

The Contractor Performance Evaluation for Ray's Electric from a previously completed project is satisfactory and is included as **Attachment B**.

### **PUBLIC OUTREACH / INTEREST**

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

### **COORDINATION**

The work to be done under this contract was coordinated with the Americans Disability Act (ADA) Programs Manager and Contracts & Compliance Division. In addition, the Office of City Attorney and the Budget Bureau have reviewed this report and resolution.

### **SUSTAINABLE OPPORTUNITIES**

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

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

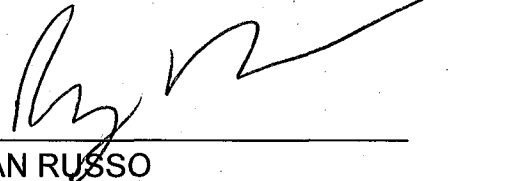
**Social Equity:** Sidewalk repair and curb ramp construction will make the City more accessible to people with disabilities.

**ACTION REQUESTED OF THE CITY COUNCIL**

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive, Responsible Bidder, For Concrete Work For Paving Project (Project No. 1004419) In Accordance With Specifications For The Project And With Contractor's Bid In The Amount Of One Million Two Hundred Nineteen Thousand Nine Hundred Dollars (\$1,219,900.00).**

For questions regarding this report, please contact Sarah Fine, Program Manager, Complete Streets Paving and Sidewalk, 510-238-6241.

Respectfully submitted,



RYAN RUSSO  
Director  
Department of Transportation

Reviewed by:  
Wladimir Wlassowsky, P.E.  
Assistant Director

Mohamed Alaoui, P.E.  
Principal Civil Engineer

Sarah Fine, Program Manager  
Complete Streets Paving & Sidewalks

Prepared by:  
Pablo Miras, P.E.  
Complete Streets Paving & Sidewalks

***Attachments:***

- A: Contracts & Compliance Unit Compliance Evaluation***
- B: Contractors Performance Evaluation***
- C: 2014 Five-Year Pavement Prioritization Plan (Resolution No. 85227 C.M.S)***

**ATTACHMENT A**  
**CONTRACT COMPLIANCE ANALYSIS**  
**(FORTHCOMING)**



# INTER OFFICE MEMORANDUM

**TO:** Pablo Miras  
Assistant Engineer II

**FROM:** Deborah Barnes, Director *Shelley Darenburg*  
Contracts & Compliance *(swl)*

**THROUGH:** Shelley Darenburg, Senior *Shelley Darenburg*  
Contract Compliance Officer *Darenburg*

**PREPARED BY:** Sophany Hang *Sophany Hang*  
Contract Compliance Officer

**SUBJECT:** Concrete Work for Paving Project  
Project No. 1004419

**DATE:** March 15, 2019

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) 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.

Responsive with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Ray's Electric, Inc.	\$1,219,900	86.22% *88.19	0.00%	84.25%	1.97%	100%	*88.19%	5%	\$1,158,905	Y
Rosas Brothers Construction	\$1,337,500	88.56% *100.22	0.00%	76.90%	11.66%	100%	*100.22%	5%	\$1,270,625	Y
AJW Construction	\$1,406,000	81.33% *84.53%	0.00%	76.13%	3.20%	100%	*84.53%	5%	\$1,335,700	Y

**\*Double Counted for Very Small Local Business Enterprises (VSLBEs)**

**Comments:** As noted above, all firms exceeded the minimum 50% L/SLBE participation requirement. They are all 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:** Ray's Electric  
**Project Name:** Fruitvale Avenue Controller Upgrade Modifications at Webster Street  
**Project No.** C427920

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

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

**15% Oakland Apprenticeship Program**

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

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	C	D	D	E	F	G	H	I	I	J
3164	0	50%	1582	100%	1582	NA	0	100%	475	15%	475	0

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

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1004419**

**RE:** Concrete Work for Paving Project

**CONTRACTOR: Ray's Electric**

<u>Engineer's Estimate:</u> \$1,409,880.00	<u>Contractors' Bid Amount</u> \$1,219,900.00	<u>Over/Under Engineer's Estimate</u> (\$189,980.00)
<u>Discounted Bid Amount:</u> \$1,158,905.00	<u>Amt. of Bid Discount</u> \$60,995.00	<u>Discount Points:</u> 5.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE	<u>0.00%</u>	
b) % of SLBE	<u>84.25%</u>	
c) % of VSLBE participation	<u>*1.97%</u>	<b>3.94% (double counted value)</b>
3. Did the contractor meet the L/SLBE trucking		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>5%</u>	
5. Additional Comments.		
Proposed VSLBE/LPG participation is valued at 1.97%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 3.94%.		

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.  
3/15/2019  
Date

Reviewing Officer:

*[Signature]*

Date: 3/15/2019

Approved By:

*Shelley Darenburg*

Date: 3/15/2019



## LBE/SLBE Participation Bidder 1

Project Name: Concrete Work for Paving Project														
Project No.: 1004419		Engineer's Estimate: 1,409,880.00			Under/Over Engineers Estimate: 189,980.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME Trucking Asphalt Supplier Concrete Supply Pre & Post Monument Various Detectable Warning Dome	Ray's Electric	Oakland	CB		987,800.00		987,800.00				987,800.00	C		
	All City Trucking	Oakland	CB		40,000.00		40,000.00		40,000.00	40,000.00	40,000.00	AI	40,000.00	
	Gallagher & Burk, Inc.	Oakland	CB			24,000.00	24,000.00				24,000.00	C		
	Central Concrete	San Jose	UB								139,100.00	C		
	Benchmark Engineering	Modesto	UB								12,000.00	C		
	HD Supply	SF	UB								17,000.00	C		
<b>Project Totals</b>				0.00 0.00%	1,027,800.00 84.25%	24,000.00 1.97%	1,051,800.00 86.22%	0.00 0.00%	40,000.00 100.00%	40,000.00 100.00%	1,219,900.00 100.00%		40,000.00 3.28%	0.00 0.00%
				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

\*\* Proposed VSLBE/LPG participation is valued at 1.97%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.



## LBE/SLBE Participation Bidder 2

<b>Project Name:</b> Concrete Work for Paving Project														
<b>Project No.:</b> 1004419		<b>Engineer's Estimate</b> 1,409,880.00				<b>Under/Over Engineers Estimate:</b> 72,380.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL			
											Dollars	Ethn.	MBE	WBE
PRIME	Rosas Brothers Construction	Oakland	CB		996,500.00		996,500.00				996,500.00	H	996,500.00	
Cement	Central Concrete Supply	San Jose	UB								170,000.00	C		
Trucking	All City Trucking	Oakland	CB		32,000.00		32,000.00		32,000.00	32,000.00	32,000.00	AI	32,000.00	
ADA Domes	Hub Construction	Oakland	UB								43,000.00	C		
Asphalt	Gallagher & Burk	Oakland	CB			38,000.00	38,000.00				38,000.00	C		
Base Rock	Argent Material	Oakland	CB			40,000.00	40,000.00				40,000.00	C		
Pre & Post Monument	Cunha Engineering	Pinole	UB								18,000.00	NL		
<b>Project Totals</b>				0.00	1,028,500.00	78,000.00	110,000.00	0.00	32,000.00	32,000.00	1,337,500.00		1,028,500.00	0.00
				0.00%	76.90%	11.66%	88.56%	0.00%	100.00%	100.00%	100.00%		76.90%	0.00%
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

\*\* Proposed VSLBE/LPG participation is valued at 11.66%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1004419**

**RE: Concrete Work for Paving Project**

**CONTRACTOR: AJW Construction**

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$1,409,880.00	\$1,406,000.00	(\$3,880.00)


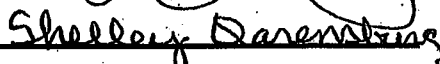
<b>Discounted Bid Amount:</b>	<b>Amt. of Bid Discount</b>	<b>Discount Points:</b>
\$1,335,700.00	\$70,300.00	5.00%

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **78.13%**
  - c) % of VSLBE participation **\*3.20%**
- 3. Did the contractor meet the L/SLBE trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100.00%**
  - a) Total VSLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discount points? **YES**
  - (If yes, list the points received) **5%**

**5. Additional Comments.**

**Proposed VSLBE/LPG participation is valued at 3.20%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 6.40%.**

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

<b>Reviewing Officer:</b>		<u>3/15/2019</u> Date
<b>Approved By:</b>		Date: <u>3/15/2019</u>

## LBE/SLBE Participation Bidder 3

<b>Project Name:</b> Concrete Work for Paving Project														
<b>Project No.:</b> 1094419		<b>Engineer's Estimate:</b> 1,409,880.00				<b>Under/Over Engineers Estimate:</b> 3,880.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME Trucking Pre & Post Monument Concrete Supply Asphalt Supplier Base Rock Supply ADA Dome Supplier	AJW Construction	Oakland	CB		1,048,500.00		1,048,500.00				1,048,500.00	H	1,048,500.00	
	All City Trucking	Oakland	CB		50,000.00		50,000.00		50,000.00	50,000.00	50,000.00	AI	50,000.00	
	Benchmark Engineering	Modesto	UB								12,000.00	C		
	Central Concrete	San Jose	UB								195,500.00	C		
	Gallagher & Burk	Oakland	CB			30,000.00	30,000.00				30,000.00	C		
	Argent Materials	Oakland	CB			15,000.00	15,000.00				15,000.00	C		
	Level Supply	Oakland	UB								55,000.00	C		
<b>Project Totals</b>				0.00	1,098,500.00	45,000.00	1,143,500.00	0.00	50,000.00	50,000.00	1,406,000.00		1,098,500.00	0.00
				0.00%	78.13%	3.20%	81.33%	0.00%	100.00%	100.00%	100.00%		78.13%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.												<b>Ethnicity</b> AA = African American  A = Asian AI = Asian Indian  AP = Asian Pacific		

\*\* Proposed VSLBE/LPG participation is valued at 3.20%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

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

Project Number/Title: C452410

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

Contractor: Ray's Electric

Date of Notice to Proceed: 12/7/2015

Date of Notice of Completion: 8/1/2016

Date of Notice of Final Completion: 10/20/2016

Contract Amount: \$472,147.50

Evaluator Name and Title: Alan Chan, Resident Engineer

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**WORK PERFORMANCE**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**TIMELINESS**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	



**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	<b>Overall, how did the Contractor rate on financial issues?</b> The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**COMMUNICATION**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

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	<b>Overall, how did the Contractor rate on safety issues?</b> 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.

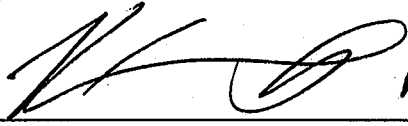
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

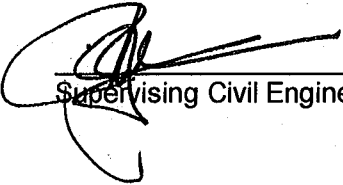
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland 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 11/28/16

  
\_\_\_\_\_  
Resident Engineer / Date 10/20/16

  
\_\_\_\_\_  
Supervising Civil Engineer / Date 10/20/16

**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

2014 OCT 16 PM 1:16

REVISED BY PUBLIC WORKS COMMITTEE AT 10/14/14 MEETING

City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 85227 C.M.S.

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

### RESOLUTION ESTABLISHING A PRIORITIZATION PLAN FOR THE CITY OF OAKLAND'S STREET PAVEMENT REHABILITATION PROGRAM

**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 of Oakland continues to use the Pavement Management Program (PMP) to the Metropolitan Transportation Commission (MTC) StreetSaver® pavement management software; and

**WHEREAS**, the City of Oakland completed a citywide pavement distress survey in the fall of 2012 to update its Pavement Management Program database; and

**WHEREAS**, the 3-year moving average pavement condition index (PCI) has increased from 57 in 2011 to 60 in 2013; and

**WHEREAS**, in this system, 100 represents brand new pavement and 0 represents a completely failed pavement; and

**WHEREAS**, the City of Oakland is required by MTC to maintain and update a Pavement Management Program in order to remain eligible for federal street rehabilitation funding; and

**WHEREAS**, the Pavement Management Program standardizes the optimization and distribution of available funding for street rehabilitation projects; and

**WHEREAS**, the City of Oakland has limited financial resources to fund its street rehabilitation program; and

**WHEREAS**, the anticipated annual funding level for street rehabilitation for the City of Oakland is estimated to be approximately \$5.7 million over the next five years; and

**WHEREAS**, the anticipated annual funding level for street rehabilitation for the City of Oakland is estimated to be approximately \$13.1 million over the next five years if Measure BB passes; and

**WHEREAS**, the City of Oakland has established criteria to be used to prioritize streets proposed for rehabilitation using the Pavement Management Program based on Pavement Condition Index (PCI), visual inspection, and cost effectiveness; and

**WHEREAS**, the Pavement Management Program is utilized to prioritize and identify candidate streets for street rehabilitation projects that represents the most optimum use of available funding; and

**WHEREAS**, the City of Oakland continues to look for emerging cost-effective pavement technologies such as cape seal; and

**WHEREAS**, the City's Pavement Program will continue to follow the ADA Title II requirements detailed in a joint technical assistance guidance (Technical Assistance) released by the United States Department of Justice (DOJ) and the Federal Highway Administration (FHWA) in June of 2013; and

**WHEREAS**, the City's Pavement Program will continue to follow the "Complete Street" design standards which is reflected in City Resolution No. 13153 C.M.S dated February 19, 2013; 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 Council of the City of Oakland continues to implement the "best-first" policy and the streets selected for the paving priority plan is provided in *Attachment A* and *Attachment B*; now, **therefore be it**

**RESOLVED:** That, in order to optimize resources to the extent possible, the City Council of the City of Oakland adopts and will use its PCI based Pavement Management Program to prioritize streets for rehabilitation; and be it



**FURTHER RESOLVED:** That a target of eighty percent (80%) of available street rehabilitation funds each year will be dedicated to rehabilitating streets that are identified by the Pavement Management Program, and that the remaining twenty percent (20%) of available funds will be dedicated to rehabilitating selected "worst streets" which is reflected in City Resolution No. 81039 C.M.S dated November 6, 2007.

**OCT 21 2014**

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

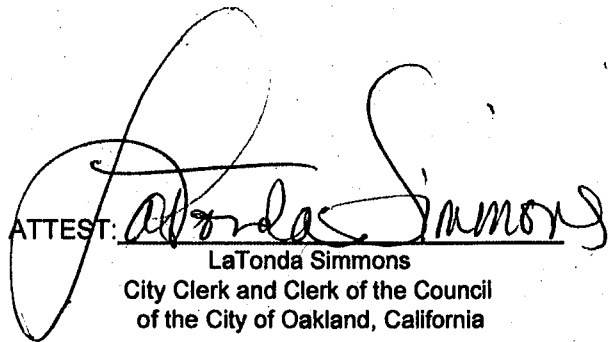
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION 0

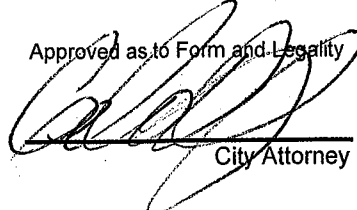
ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 MAR 28 PM 1:24

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION NO. \_\_\_\_\_

C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, FOR CONCRETE WORK FOR PAVING PROJECT (PROJECT NO. 1004419) IN ACCORDANCE WITH SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION TWO HUNDRED NINETEEN THOUSAND NINE HUNDRED DOLLARS (\$1,219,900.00).**

**WHEREAS**, On February 28, 2019, the City Clerk received three bids for Concrete Work for Paving Project (Project No. 1004419; and

**WHEREAS**, Ray's Electric, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, funding for this project will be available in the following project account as part of FY 2018-19 CIP budget: Fund 5330 Measure KK, Org. 92246, Account 57411, and Project 1001293; and

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

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

**WHEREAS**, Ray's Electric, complies with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract to Ray's Electric, the lowest responsive and responsible bidder in accordance with project specifications for Concrete Work For Paving Project (Project No. 1004419) and with contractor's bid in the amount of One Million Two Hundred Nineteen Thousand Nine Hundred Dollars (\$1,219,900.00) and in accordance with specifications for the Project and contractor's bid dated February 28, 2019; and be it

**FURTHER RESOLVED:** That the successful contractor 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 City Administrator, or designee, is hereby authorized to enter into a contract with Ray's Electric, on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Ray's Electric fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

**FURTHER RESOLVED:** That the specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director of Transportation, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

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

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

**PASSED BY THE FOLLOWING VOTE:**

AYES: FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California