

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 DEC 21 PM 1:35

Office of the City Administrator

ATTN: Dan Lindheim

FROM: Community and Economic Development Agency

DATE: January 12, 2010

RE: **Resolution Authorizing Award of A Construction Contract To Mosto Construction For The Rehabilitation Of Margarido Paths And Stairs (Project No. C214850) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed One Hundred Twenty-Nine Thousand Six Hundred Seventy-Four Dollars (\$129,674.00)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$129,674.00 to Mosto Construction for the Rehabilitation of Margarido Paths and Stairs project. The project will rehabilitate the stairs and thereby improve pedestrian safety and mobility for the community. The project is located in Council District 1.

FISCAL IMPACT

The Engineer's Estimate is \$168,527.84 and the construction contract will be in the amount of \$129,674.00. There are sufficient funds in the project budget for the contract work.

Funding for this project consists of Measure B funds from the Alameda County Transportation Authority (ACTIA) that were appropriated by the City Council as part of the FY 07-09 Budget. Funding for this work is available in the following project account:

- Measure B - ACTIA Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Margarido Path Project (C214850)

This project will reduce ongoing maintenance to Margarido Paths and Stairs and reduce City liability resulting from potential trip and fall claims. The existing stairs and paths consist of concrete construction and are currently open to the public. Also, the installation of new galvanized steel handrails on both sides of the stairs and sloping paths will increase pedestrian safety.

Item: _____
Public Works Committee
January 12, 2010

BACKGROUND

On July 16, 2009, the City Clerk received and opened eight bids for the project. Bids ranged from \$121,513.00 to \$195,700.00. The first and eighth lowest bidders were deemed non-responsive for not meeting the City's 20% Local and Small Local Business Enterprises (LBE/SLBE) requirement. Mosto Construction, the second lowest bidder, was determined to be the lowest responsive and responsible bidder in the amount of \$129,674.00. A summary of the bids is shown on *Attachment A*.

Mosto Construction's bid is in full compliance with the City's goals for Local and Small Local Business Enterprises (LBE/SLBE). Under this contract, the LBE/SLBE participation is 100%, which exceeds the City's 20% LBE/SLBE goal. The trucking participation level is 100%. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment B*.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin two months after award in March 2010 to avoid the rainy season and should be completed by June 2010. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 50 working days. The project schedule is shown in *Attachment A*.

The Margarido Stairs provide access to the terminus of North Rockridge Boulevard. North Rockridge Boulevard is a no outlet street and ends in a court. The rehabilitation of the Margarido Stairs will provide improved pedestrian safety for residents adjacent to the stairs and the larger upper Rockridge area. Improved access will benefit the densely populated area at the terminus of North Rockridge Boulevard. The Margarido Stairs is also part of a larger network of stairs in this neighborhood that includes three nearby stairs connecting Margarido Drive to South Rockridge Boulevard, Margarido Drive to Manchester Drive and Manchester Drive to Ocean View Drive.

PROJECT DESCRIPTION

In general, the proposed work consists of the repair and reconstruction of an existing public stairway with concrete stairs, new handrails, new concrete pathways and sidewalks.

EVALUATION OF PAST PERFORMANCE

The most recent Contractor Performance Evaluation (Schedule L-2) for Mosto Construction indicates an overall rating of satisfactory, as shown on *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing wage rates. Prevailing wages offer a livable wage rate for workers and can contribute to an increased quality of life. 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 project will also improve pedestrian safety and enhance the general aesthetics of community with new and improved stairs, concrete pathway and sidewalk.

Environmental: Air quality will be improved to the extent that the new stairs encourage pedestrian traffic and circulation in the community. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete.

Social Equity: The stairs, handrails and pedestrian access have suffered from general deterioration, which has decreased the level of safety and access to pedestrians. The new and improved stairways with handrails, landings and sidewalk will provide pedestrian accessibility, and safer, more livable and cleaner pedestrian areas at Margarido Stairs and the larger upper Rockridge area.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will reconstruct paved pathways and stairs that meet the federal Americans with Disabilities Act (ADA). The upper Rockridge area will be more accessible and safer for all citizens, especially senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Mosto Construction, the lowest responsible bidder, in an amount not to exceed \$129,674.00 for the Rehabilitation of Margarido Paths and Stairs (Project No. C214850). Mosto Construction has met the LBE/SLBE requirements and there are sufficient funds in the project account.

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Public Works Committee
January 12, 2010

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

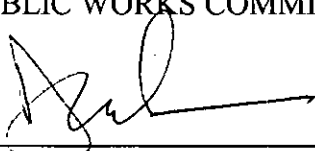
Reviewed by:

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

Prepared by:

Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:**



Office of the City Administrator

Item: _____
Public Works Committee
January 12, 2010

Attachment A

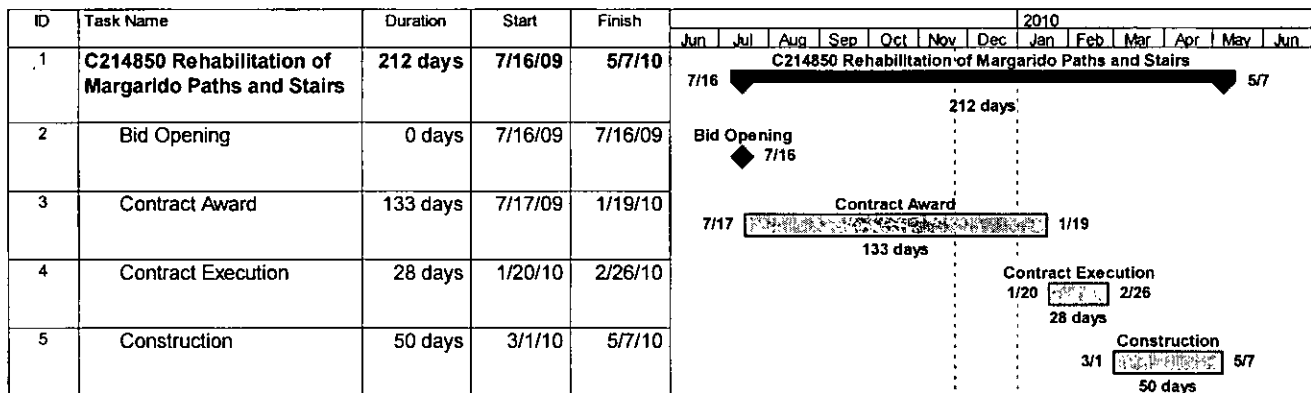
**Rehabilitation of Margarido Paths and Stairs
(Project No. C214850)**

Bid Results

Company	Bid Amount
Sposeto Engineers, Inc.	\$ 121,513.00
Mosto Construction*	\$ 129,674.00
Andes Construction, Inc.	\$ 142,750.00
Beliveau Engineering Contractors, Inc.	\$ 144,344.00
McGuire & Hester	\$ 145,928.00
AJW Construction	\$ 161,950.00
Bay Construction	\$ 185,121.50
Rodan Builders, Inc.	\$ 195,700.00

* lowest responsive and responsible bidder after applying 5% bid credit.

Project Construction Schedule



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January 12, 2010

Attachment B

**Rehabilitation of Margarido Paths and Stairs
(Project No. C214850)**

Compliance Evaluation

Item: _____
Public Works Committee
January 12, 2010

*Memo*

Department of Contracting and Purchasing
Social Equity Division

To: Eric Uddenberg - Project Manager
 From: Sophany Hang - Acting Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*
 CC: Gwen McCormick - Contract Administrator Supervisor
 Date: **November 20, 2009**
 Re: C214850- Rehabilitation of Margarido Stairs

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed eight (8) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Mosto Construction	\$129,674.00	100%	0%	100%	100%	100%	5%	\$123,190.30	2%	Y
Andes Construction	\$142,750.00	100%	1.40%	98.60%	100%	100%	5%	\$135,612.50	2%	Y
Beliveau Engineering Contractors, Inc.	\$144,344.00	100%	0%	100%	100%	100%	5%	\$137,126.80	2%	Y
McGuire and Hester	\$145,928.00	91.56%	62.78%	28.78%	NA	57.78%	5%	\$138,631.60	0%	Y
AJW Construction	\$161,950.00	98.77%	0%	98.77%	NA	98.77%	5%	\$153,852.50	2%	Y
Mark lee and Yong Kay, Inc. dba Bay Construction Co	\$185,121.50	93.35%	0%	93.35%	100%	93.35%	5%	\$175,865.43	2%	Y

Comments: As noted above, all firms met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Sposeto Engineering, Inc.	\$121,513.00	0%	0%	0%	NA	0%	0%	NA	0%	Y
Rodan Builders Inc.	\$195,700.00	0%	0%	0%	NA	0%	0%	NA	0%	Y

Comments: As noted above, Sposeto Engineering, Inc. and Rodan Builders Inc. failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

For Informational Purposes

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

Contractor Name: Mosto Construction

Project Name: The Rehabilitation of Sanitary Sewers in the Easement Between Saroni Drive and Ridgewood Drive

Project No. C329114

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
430	0	50%	215	100%	215	0	0	100%	65	15%	65	0

Comments: Mosto Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 33 on-site hours and 33 off-site hours.

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

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Sposeto Engineering, Inc.

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$121,513.00

Over/Under Engineer's Estimate
\$47,014.84

Discounted Bid Amount:
\$0

Amount of Bid Discount
\$0

Discount Points:
0%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **NO**
- b) % of LBE participation **0%**
- c) % of SLBE participation **0%**
3. Did the contractor meet the Trucking requirement? **NA**
- a) Total SLBE/LBE trucking participation **NA**
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0%**

5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

11/20/2009
Date

**Reviewing
Officer:**

Sophia Hery

Date:

11/20/09

Approved By:

Shelley Oarensburg

Date:

11/20/09

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 47,014.84						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Concrete Hand Rail	Sposeto Engineering, Inc.	Union City	UB						106,196.00	C		
	Hawson Ready Mix	Berkeley	UB						3,000.00	NL		
	UMO Steel Inc.	Hayward	UB						12,317.00	H		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$121,513.00		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Mosto Construction

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$129,674.00

Over/Under Engineer's Estimate
\$38,853.84

Discounted Bid Amount:
\$123,190.30

Amount of Bid Discount
\$6,483.70

Discount Points:
5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **100%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

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

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

**Reviewing
Officer:**

Stephen Heng

Date:

11/20/09

Approved By

Shelley Oarensburg

Date:

11/20/09

BIDDER 2

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 38,853.84							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME Transport	Mosto Construction Monroe Brooks Trucking	Oakland	CB		127,074.00	127,074.00			127,074.00	H	127,074.00		
		Oakland	CB		2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	AA	2,600.00		
Project Totals				\$0	\$129,674.00	\$129,674.00	\$2,600.00	\$2,600.00	\$129,674.00		\$129,674.00	\$0	
				0%	100%	100%	100%	100%	100%		100%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Andes Construction

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$142,750.00

Over/Under Engineer's Estimate
\$25,777.84

Discounted Bid Amount:
\$135,612.50

Amount of Bid Discount
\$7,137.50

Discount Points:
5%

-
1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
- b) % of LBE participation **1.40%**
- c) % of SLBE participation **98.60%**
3. Did the contractor meet the Trucking requirement? **NA**
- a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
- (If yes, list the percentage received) **5%**
5. Additional Comments.

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

11/20/2009

Date

**Reviewing
Officer:**

Sophus Hung

Date:

11/20/09

Approved By

Shelley Darendburg

Date:

11/20/09

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 25,777.84								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only				
										Ethn.	MBE	WBE		
Prime	Andes Construction	Oakland	CB		137,750.00	137,750.00			137,750.00	H	137,750.00			
Saw Cut	Bay Line Concrete Cutting & Coring	Oakland	CB	2,000.00					2,000.00	H	2,000.00			
Trucking	Irving Trucking	Oakland	CB		3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	AA	3,000.00			
Project Totals					\$2,000.00	\$140,750.00	\$140,750.00	\$3,000.00	\$3,000.00	\$142,750.00		\$142,750.00	\$0	
					1.40%	98.60%	98.60%	100%	100%	100%		100.00%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.					LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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						

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Rodan Builders Inc.

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$195,700.00

Over/Under Engineer's Estimate
-\$27,172.16

Discounted Bid Amount:
\$0

Amount of Bid Discount
\$0

Discount Points:
0%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **NO**
- b) % of LBE participation **0%**
- c) % of SLBE participation **0%**
3. Did the contractor meet the Trucking requirement? **NA**
- a) Total SLBE/LBE trucking participation **NA**
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0%**

5. Additional Comments.

Contractor failed to meet the minimum 20% participation requirement. Therefore, they are deemed non-responsive.

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

11/20/2009

Date

**Reviewing
Officer:**

Shelley Darenburg

Date:

11/20/09

Approved By:

Shelley Darenburg

Date:

11/20/09

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: -27,172.16						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Item 7 Concrete	Rodan Builders Inc. James Hewatt Inc. Sione Concrete	Burlingame Brentwood Redwood City	UB UB UB						112,000.00	C		
									38,000.00	NL		
									45,700.00	NL		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$195,700.00		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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								

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Beliveau Engineering Contractors, Inc.

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$144,344.00

Over/Under Engineer's Estimate
\$24,183.84

Discounted Bid Amount:
\$137,126.80

Amount of Bid Discount
\$7,217.20

Discount Points:
5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **100%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

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

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

11/20/2009

Date

**Reviewing
Officer:**

Sophy Hays

Date:

11/20/09

Approved By:

Shelley Dorensburg

Date:

11/20/09

LBE/SLBE PARTICIPATION BIDDER 5

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 24,183.84						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Trucking	Beliveau Engineering Contractors, Inc. Williams Trucking	Oakland Oakland	CB CB		140,944.00	140,944.00			140,944.00	C		
					3,400.00	3,400.00			3,400.00	AA	3,400.00	
Project Totals				\$0 0%	\$144,344.00 100%	\$144,344.00 100%	\$3,400.00 100%	\$3,400.00 100%	\$144,344.00 100%		\$3,400.00 2.36%	\$0 0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: McGuire and Hester

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$145,928.00

Over/Under Engineer's Estimate
\$22,599.84

Discounted Bid Amount:
\$138,631.60

Amount of Bid Discount
\$7,296.40

Discount Points:
5%

1. Did the 20% requirements apply? **YES**

2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **62.78%**
 - c) % of SLBE participation **28.78%**

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

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

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

5. Additional Comments.

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

11/20/2009

Date

**Reviewing
Officer:**

[Signature]

Date:

11/20/09

Approved By:

Shelley Darenburg

Date:

11/20/09

LBE/SLBE PARTICIPATION BIDDER 6

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 22,599.84						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	McGuire and Hester	Oakland	CB	91,611.00		91,611.00			91,611.00	C		
Demolition	Dekay Demolition	Oakland	CB		42,000.00	42,000.00			42,000.00	O		
Handrail	UMO Steel	Hayward	UB						12,317.00	H	12,317.00	
Project Totals				\$91,611	\$42,000	\$133,611	\$0	\$0	\$145,928.00		\$12,317.00	\$0
				62.78%	28.78%	91.56%	0%	0%	100%		8.44%	0%
Requirements:				The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<div> <div>LBE 10%</div> <div>SLBE 10%</div> <div>TOTAL LBE/SLBE</div> <div>20% LBE/SLBE TRUCKING</div> </div>				
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				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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: AJW Construction

Engineer's Estimate:
\$168,527.84

Contractors' Bid Amount
\$161,950.00

Over/Under Engineer's Estimate
\$6,577.84

Discounted Bid Amount:
\$153,852.50

Amount of Bid Discount
\$8,097.50

Discount Points:
5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **98.77%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **NA**
4. Did the contractor receive bid discounts? **YES**

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

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

11/20/2009
Date

**Reviewing
Officer:**

[Signature]

Date:

11/20/09

Approved By

Shelley Sorenstrom

Date:

11/20/09

**LBE/SLBE PARTICIPATION
BIDDER 7**

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: 6,577.84						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	AJW Construction	Oakland	CB		138,712.00	138,712.00			138,712.00	H	138,712.00	
Handrail	North American Fence & Supplier	Oakland	CB		21,238.00	21,238.00			21,238.00	C		
Trucking	UJ Trucking	Oakland	UB					2,000.00	2,000.00	NL		
Project Totals				\$0	\$159,950.00	\$159,950.00	\$0.00	\$2,000.00	\$161,950.00		\$138,712.00	\$0
				0%	98.77%	98.77%	0%	100%	100%		85.65%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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								

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214850

PROJECT NAME: The Rehabilitation of the Margarido Path and Stairs

CONTRACTOR: Mark Lee and Yong Kay, Inc. dba: Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate:</u>
\$168,527.84	\$185,121.50	-\$16,593.66

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Discount Points:</u>
\$175,865.43	\$9,256.08	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **93.35%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

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

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

11/20/2009

Date

**Reviewing
Officer:**

[Signature]

Date:

11/20/09

Approved By

[Signature]

Date:

11/20/09

LBE/SLBE PARTICIPATION BIDDER 8

Project Name: The Rehabilitation of the Margarido Path and Stairs

Project No.: C214850		Engineers Est: 168,527.84				Under/Over Engineers Estimate: -16,593.66						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Iron Trucking	Mark Lee and Yong Kay, Inc. dba: Bay Construction Co.	Oakland	CB		171,804.50	171,804.50			171,804.50	AP	171,804.50	
	UMO Steel	Hayward	UB						12,317.00	NL		
	Williams Trucking	Oakland	CB		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	AA	1,000.00	
Project Totals				\$0 0%	\$172,804.50 93.35%	\$172,804.50 93.35%	\$1,000.00 100%	\$1,000.00 100%	\$185,121.50 100%		\$172,804.50 93.35%	\$0 0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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								

Attachment C

**Rehabilitation of Margarido Paths and Stairs
(Project No. C214850)**

**Contractor Performance Evaluation
(Schedule L-2)**

Item: _____
Public Works Committee
January 12, 2010

**Schedule L-2
City of Oakland
Community & Economic Development Agency
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C329114-The Rehabilitation of Sanitary Sewers in the easement between Saroni Drive and Ridgewood Drive.

Work Order Number (if applicable): _____

Contractor: Mosto Construction

Date of Notice to Proceed: 4/14/2009

Date of Notice of Completion: 6/8/2009

Date of Notice of Final Completion: 6/8/2009

Contract Amount: \$82,160.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

WORK PERFORMANCE

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.	<input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	No <input 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 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.	<input checked="" type="checkbox"/>			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"/>	<input checked="" 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"/>	X	<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 X	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 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"/>	X	<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"/>	X	<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 X
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 X	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>				<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
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.				<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
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>	<p>0 <input type="checkbox"/></p>	<p>1 <input type="checkbox"/></p>	<p>2 <input checked="" type="checkbox"/></p>	<p>3 <input type="checkbox"/></p>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes X	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"/>	X	<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 X
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 X
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 X
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 X	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: Satisfactory

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

PROCEDURE:

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

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

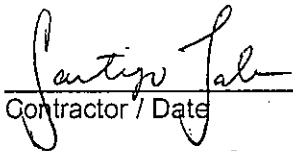
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


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

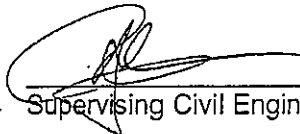
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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

 6/8/09
Contractor / Date

 3 6/4/2009
Resident Engineer / Date


Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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