



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 MAY 30 AM 10:39

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Building 6, 6T, 60 and 70 Demolition
and Remediation Contract

DATE: May 14, 2012

City Administrator
Approval

Deanna Santana

Date

5/22/12

COUNCIL DISTRICT: #3

RECOMMENDATION

Staff recommends that the City Council adopt the following legislation:

A Resolution Authorizing the City Administrator to Enter into a Construction Contract with Downrite Corporation for an Amount Not-To-Exceed One Million Seven Hundred Thirty-Four Thousand Five Hundred Sixty-Five Dollars (\$1,734,565) for the Oakland Army Base Building 6, 6T, 60 and 70 Demolition and Remediation Project (P294110)

EXECUTIVE SUMMARY

The City of Oakland ("City") is contractually committed to the United States Army to achieve regulatory closure by July 31, 2013 of all 165 site-specific locations identified in the Army Base Remediation Action Plan and Risk Management Program (RAP/RMP). Approximately 25 RMP sites remain to be closed. Of these, 10 are in the vicinity of Buildings 6, 6T, 60, and 70, and these buildings must be demolished in order to address the environmental issues at the sites. This work is essential to satisfy the City's obligations to the Army.

The City of Oakland's Public Works Agency administered a formal construction bid process for this Demolition and Remediation Project, and issued a Notice Inviting Bids on January 9, 2012. Of the six firms which responded, three were deemed responsive, and of those, the Downrite Corporation's bid amount of \$1,734,565 made it the lowest responsive, responsible bidder. Therefore staff is recommending a contract with Downrite Corporation not to exceed this amount.

Item: _____
CED Committee
June 12, 2012

OUTCOME

Authorization of the construction contract with the lowest responsive, responsible, bidder (Downrite) for this project enables staff to move forward with this critical remediation project, and ensures the City will be able to meet its contractual commitment to the Army.

BACKGROUND

Army Base Remediation Program

In August 2006, the Redevelopment Agency of the City of Oakland ("Agency") acquired approximately 165 acres of the former Army Base, and the Port of Oakland ("Port") acquired approximately 170 acres. In accepting the property from the Army through a no-cost Economic Development Conveyance, and pursuant to an Environmental Services Cooperation Agreement ("ESCA") with the State of California Department of Toxic Substances Control ("DTSC"), the Agency became legally obligated to complete the environmental remediation of the entire former Army Base property. Through the Amended and Restated Memorandum of Agreement ("ARMOA") among the City, Agency and Port, the Port accepted an obligation to complete certain portions of the environmental remediation on its conveyed property. However, the obligation to the Army to remediate the entire site in accordance with the requirements of the ESCA remains with the Agency.

On January 31, 2012, the City acquired the Agency's portion of the Army Base along with the Agency's rights and obligations under the ESCA, including the ultimate responsibility for the entire site's remediation.¹

The Army Base RAP/RMP encompasses 165 site-specific RAP and RMP sites and five "categorical" or area-wide RMP sites on City- and Port-owned portions of the Army Base. The RAP sites were identified chemical release areas that required remediation to protect human health and the environment. As locations that were already identified to require remediation, these sites were made a top priority in the remediation plan for the Army Base. An example of a completed RAP site is the remediation of soil and groundwater contamination in the former Building 1 area.

Because the RMP sites are considered low threat areas of potential contamination, the RMP locations were generally projected to be addressed during development activities at the Army Base. An example of an RMP location would be an area where hazardous materials were stored

¹ The City will be responding soon to the Army's request for information regarding a formal assumption by the City of the Agency's rights and obligations under the Army Base conveyance documents.

and there are signs of staining, which indicate that the soil below the structure might have been contaminated by the historical use. Left alone, such a site poses no immediate health and safety risk. After demolition of the building, the exposed soil below the foundation would be investigated to evaluate the impact to the soil and determine the extent of remediation required, if any. In addition to RMPs identified at specific locations, there are also area-wide RMPs or "categorical" RMPs. At these categorical RMPs the potential contamination is associated with area-wide concerns as opposed to a single specific location. Examples of a categorical RMP are the sanitary sewer system and abandoned rail lines. The RMP requires evaluation of the soil adjacent to sewer lines that are exposed during excavation, and evaluation of the ballast and soil beneath the ballast of abandoned rail lines, for potential contamination during construction work and other active uses contemplated on the Army Base.

Table 1 provides a breakdown of the RAP and RMP sites that have been closed or are near closure at the time of the writing this report. The closed sites have been investigated and cleaned, and the Agency and/or Port has received documentation from DTSC and/or the Regional Water Quality Control Board ("RWQCB") verifying the regulatory closure. The near-closure sites have been investigated and cleaned, if necessary, and are awaiting closure documentation from the DTSC and/or RWQCB. The sites listed as "in progress" have RMP closure activities currently being performed.

Table 1 - RAP/RMP Progress	Total	Completed	Pending Regulatory Approval	In Progress	Sites Not Yet Evaluated
RAP Sites	7	5	0	2	0
Site-Specific RMP Sites	158	128	3	9	25
Categorical RMP Sites	5	NA	NA	NA	NA

Building 6, 6T, 60, and 70 Demolition and Remediation Project

Of the 25 site-specific RMP sites remaining to be closed, 10 are in the vicinity of Buildings 6, 6T, 60, and 70. The scope of work to remediate these 10 sites includes the following tasks: 1) abate and demolish 37,099 square feet of buildings; 2) excavate approximately 81,000 square feet of foundations and approximately 153,000 square feet of surrounding hardscape; 3) address 10 of the remaining 25 identified, but not yet evaluated, site-specific RMP sites, and portions of five categorical RMP sites; 4) sample and remove any contaminated soil or materials and back fill with clean soil; and 5) address any previously unknown environmental issues discovered during the project.

Item: _____
CED Committee
June 12, 2012

Table 2 provides a list of the RMP sites that will be addressed during this Demolition and Remediation Project.

Table 2 – Building 6, 6T, 60 and 70 Demolition and Remediation Project	Site ID #
Grease Trap near Building 60	9
Wash rack near Building 70	15
Building 6	16
Former Building 42	17
Former Building 41	18
Former UST-42A	101
Former UST-42B	102
BICS-075	154
Soil – southern end of Building 6	155
BITP001 near Building 60	156
Historical Spills and Stains	Portion of Categorical
Lead in Soil Around Buildings	Portion of Categorical
Former PCB-Containing Equipment	Portion of Categorical
Railroad Ballast	Portion of Categorical
Storm Drains and Sanitary Sewers	Portion of Categorical

Contracting Process

Oakland Municipal Code Section 2.04.050.A requires that staff advertise in an official newspaper in the City construction contracts that exceed \$50,000, and that the contract award, if made, go to the lowest responsive bidder. Ordinance No. 12389 C.M.S., adopted December 18, 2001, established that the City's Local and Small Local Business Enterprise (L/SLBE), Local Employment, Prevailing Wages and Apprenticeship programs would apply to Oakland contracts involving construction and construction-related work. Ordinance No. 13097 C.M.S., adopted December 6, 2011, raised the L/SLBE participation requirement for demolition and remediation projects at the Army Base to 50%, and for screening purposes of the program, required that 33% of a firm's employees be Oakland residents for the firm to be considered an Oakland firm.

In accordance with the contracting requirements, the Public Works Agency administered a formal construction bid process for the Building 6 Demolition and Remediation Project and issued a Notice Inviting Bids on January 9, 2012. The following six firms responded:

- Downrite Corporation
- J.H. Fitzmaurice
- Turner Group Construction

Item: _____
CED Committee
June 12, 2012

- Innovative Construction services
- Pare services
- Cal Pacific Construction Inc.

Only Downrite, J.H. Fitzmaurice, and Turner Group met the minimum 50% L/SLBE and the 33% Oakland Resident Core Employee requirements. The other three firms were deemed non-responsive. Downrite Corporation's bid amount of \$1,734,565 was the lowest of the three responsive bidders; J.H. Fitzmaurice bid \$1,853,921.51 and Turner Construction Group bid \$1,888,611.35. Therefore, Downrite is the lowest responsive bidder. The complete analysis of the six bids from the City Administrator's Office of Contracts and Compliance is included as *Attachment A* to this report.

ANALYSIS

The Army Base RMP was designed with site development in mind. In the absence of development, an RMP site can be closed by appropriate sampling and remediation actions. The Central Gateway Area is the largest Army Base area in size (69 acres), has the highest concentration of remaining RMP sites, and has a limited amount of tenant activity and operations at this time. Development activities are not scheduled to begin until mid- to late 2013, after the closure deadline. It is therefore imperative that the City commence pre-development work in the Central Gateway Area, with a focus on the identified RMP sites, before the City's agreement with the Army expires. In order to commence this work and to address and close RMP sites within the area, staff recommends that the City enter into the demolition and remediation contract with Downrite. A delay in awarding the contract would cause the bid produced for this Council approval to expire, and require the City to go through the bidding process again, which would seriously compromise an already tight schedule.

PUBLIC OUTREACH/INTEREST

The City, Port and DTSC have kept the public informed of the cleanup process through a number of means. Besides occasional bus tours, information is posted in the agencies' websites, and City and Port staff regularly attend community meetings and provide updates.

COORDINATION

In the contracting process and in preparation of this report, staff from the Office of Neighborhood Investment has consulted with the Environmental Services Division and the Project Delivery Division of the Public Works Agency, the Contracts and Compliance unit of the City Administrator's Office, the Office of the City Attorney, and the Budget Office.

Item: _____
CED Committee
June 12, 2012

COST SUMMARY/IMPLICATIONS

1. COST OF PROJECT:

Project Delivery	
Demolition	\$ 428,490
Environmental	\$ 806,075
Owner Allowance	\$ 500,000
Total Project Costs	\$ 1,724,565

The disposal costs will be paid directly by the City to the appropriate hazardous waste disposal landfill site(s).

2. SOURCE OF FUNDING:

For Demolition and up to all of the Owner Allowance:

OBRA Utility & Leasing Fund (5671), Oakland Army Base Redevelopment Organization (02444), OBRA Leasing & Utility Project (P294110)

For Environmental Remediation and up to half of the Owner Allowance:

Oakland Army Base Joint Remediation Fund (5674), Oakland Army Base Redevelopment (02444), Risk Management Plan Sites Project (P453010)

3. FISCAL IMPACT:

The proposed Building 6, 6T, 60 and 70 Demolition and Remediation Project will have no impact on the City's General Fund. All project expenses, including outside contractor costs and internal services charges, will come from the Army Base Leasing Program and the Joint Environmental Remediation Fund established by the Agency and Port through the ARMOA.

In March 2011, the City Council and the Agency approved a Funding Agreement that included the funding for this demolition contract. Section 34167.5 of the California Health and Safety Code addresses agreements between redevelopment agencies and their host jurisdictions to transfer assets. It reads as follows:

Commencing on the effective date of the act adding this part, the Controller shall review the activities of redevelopment agencies in the state to determine whether an asset transfer has occurred after January 1, 2011, between the city or county, or city and county that created a redevelopment agency or any other public agency, and the redevelopment agency. If such an asset transfer did occur during that period and the government agency that received the assets is not contractually committed to a third party for the expenditure or encumbrance of those assets, to the extent not prohibited by state and federal law, the Controller shall order the available assets to be returned to the redevelopment agency or, on or after October

Item: _____
CED Committee
June 12, 2012

1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170). Upon receiving such an order from the Controller, an affected local agency shall, as soon as practicable, reverse the transfer and return the applicable assets to the redevelopment agency or, on or after October 1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170). The Legislature hereby finds that a transfer of assets by a redevelopment agency during the period covered in this section is deemed not to be in the furtherance of the Community Redevelopment Law and is thereby unauthorized.

This language suggests that the transfer of the funds for this contract may be subject to review by the State for potential "clawback," since the funds were transferred after January 1, 2011, unless an exemption applies. In fact, on April 24, 2012, the State notified the City that the City should reverse any transfer and return applicable assets to the successor agency (here the City, as successor agency) that occurred after January 1, 2011 between the City and the Agency.

Since the funds for these contracts might be subject to an attempt by the State to return the funds to the successor agency, there could be risks to the City's General Purpose Fund if money is expended for the contract and the State later deems the expenditures invalid.

FAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Downrite has received a satisfactory evaluation for its performance to date on the 711 71st Avenue Demolition Project (C443710) with a contract amount of \$149,700. The date of the Notice to Proceed was December 31, 2011. Demolition has been completed and the Notice of Completion is pending. The evaluation is included as *Attachment B* to this report.

SUSTAINABLE OPPORTUNITIES

Economic: The project goal is to enter into one contract with a general contractor that has subcontractors comprised of certified Local Business Enterprises and Small Local Business Enterprises (LBE/SLBE).

Environmental: In addition to the remediation of contaminated sites, the Project's goal is to recycle and reuse 75% of the building materials on-site.

Social Equity: The project will comply with the City's Local Employment Program hiring requirements for construction contracts.

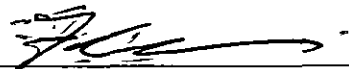
Item: _____
CED Committee
June 12, 2012

CEQA

The project is covered under the Oakland Army Base 2002 Environmental Impact Report.

For questions regarding this report, please contact Al Auletta, Program Manager, at 510.238.3752.

Respectfully submitted,



FRED BLACKWELL
Assistant City Administrator

Reviewed by:
Gregory Hunter, Neighborhood Investment Officer

Reviewed by:
Al Auletta, Program Manager
Office of Neighborhood Investment

Prepared by:
Hui Wang, Urban Economic Analyst
Office of Neighborhood Investment

Attachment A – Contracts and Compliance Bid Analysis
Attachment B – Contractor Performance Evaluation

Item: _____
CED Committee
June 12, 2012

ATTACHMENT A - CONTRACTS & COMPLIANCE ANALYSIS



Memo

City Administrator's Office

Contracts & Compliance Unit

To: Sandra Ousley, Project Manager
From: Vivian Inman, Contract Compliance Officer
Through: Deborah Bames, Contracts and Compliance Director *Deborah Bames*
 Shelley Darensburg, Sr. Contract Compliance Officer
 Calvin Hao, PWA, Contract Services
Date: February 9, 2012
Re: P294110 – Building 6, 6T, 60 & 70, Demolition and Remediation Project. (including \$500,000 allowance)

The City Administrator's Office, Contracts & Compliance Unit, reviewed six (6) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise- Oakland Army Base Demolition and Remediation Contracting Program (L/SLBE) participation requirement and the 33% Oakland Resident Core Workforce requirement. Also, included is 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. Bid amounts include a \$500,000 allowance as described in the Proposal Bid Schedule (bid amounts based on spreadsheet calculations).

Below are the results of our findings:

Responsive to L/SLBE		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	33% Oakland Resident Core Req. Y/N?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Downrite Corp	\$1,734,565.00	71.75%	12.89%	58.87%	100%	71.75%	4%	\$1,665,182.40	0%	Y
J.H. Fitzmaurice	\$1,853,921.51	99.46%	54.60%	44.86%	100%	89.72%	5%	\$1,761,225.43	0%	Y
Turner Grocp Construction	\$1,888,611.35	63.62%	10.59%	53.03%	100%	63.62%	3%	\$1,831,953.01	0%	Y

Comments: As noted above, all firms met or exceeded the minimum 50% L/SLBE participation requirement. In addition, all firms met the 33% Oakland Resident Core Employee requirement.



Non-Responsive to L/SLBE		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	33% Oakland Resident Core Req. Y/N?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Innovative Construction Services	\$1,606,961.95	96.58%	94.77%	1.80%	100%	0%	0%	NA	NA	Y
Parc Services	\$1,910,800.00	0.00%	0.00%	0.00%	0.00%	0%	0%	NA	NA	N
Cal Pacific Construction, Inc.	\$1,987,665.00	94.42%	92.86%	1.56%	100%	0%	0%	NA	NA	N

Comments: As noted above, none of the firms met the minimum 50% L/SLBE participation requirement. Parc Services and Cal Pacific Construction, Inc. did not meet the 33% Oakland Resident Core Workforce requirement. Therefore, they are deemed non-responsive.

For Informational Purposes

Comments: No Local Employment Program (LEP) or 15% Apprenticeship Program utilization data is available for Downrite Corp. They have not previously performed work (as a prime contractor) for the City of Oakland.

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: Downrite Corp.
 Project Name: NA
 Project No: NA

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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



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 apprenticeship hours achieved; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

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

Comments: No Local Employment Program (LEP) or 15% Apprenticeship Program utilization data is available for Downrite Corp. They have not previously performed work (as a prime contractor) for the City of Oakland.

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

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 6O & 7O, Demolition and Remediation Project (including \$500,000 allowance)

CONTRACTOR: Downrite Corp.

<u>Engineer's Estimate:</u> 2,165,900.00	<u>Contractors' Bid Amount</u> \$1,734,665.00	<u>Over/Under Engineer's Estimate</u> 431,335.00
---	--	---

<u>Discounted Bid Amount:</u> \$1,665,182.40	<u>Amount of Bid Discount</u> \$69,382.60	<u>Discount Points:</u> 4.00% 5
---	--	------------------------------------

1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
 - a) % of LBE participation 12.89%
 - b) % of SLBE participation 68.87%
3. Did the contractor meet the Trucking requirement? YES
 - c) Total SLBE/LBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 4.00%
5. Did the firm meet the 33% core workforce requirement. YES
6. Additional Comments.

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

2/9/2012

Date

Reviewing
Officer:

Vivian D...

Date: 2/9/2012

Approved By:

Shelley Dorenburg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Building 6, 6T, 6O & 7O, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,185,900.00				Under/Over Engineers Estimate: 431,335.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	LfSLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Truckling	Dollars	Ethn.	MBE	WBE	
PRIME	Downrite Corp.	Oakland	CB		1,009,065.00	1,009,065.00			1,009,065.00	C			
Haz Abatement	Bayview Environmental Services	Oakland	CB	115,500.00		115,500.00			115,500.00	C			
Trucking	CJC Trucking	Oakland	CB		12,000.00	12,000.00	12,000.00	12,000.00	12,000.00	AA	12,000.00		
Fencing	North American Fence & Railings	Oakland	CB	13,000.00		13,000.00			13,000.00	C		13,000.00	
Demo Assist Equipment	Evans Brothers Inc.	Livermore	UB						490,000.00	C			
Environmental Services	Northgate Environmental Management	Oakland	CB	95,000.00		95,000.00			95,000.00	C			
Project Totals				5223,500.00	\$1,021,065.00	51,244,565.00	\$12,000.00	512,000.00	51,734,565.00		\$12,000.00	\$13,000	
				12.89%	58.87%	71.75%	100.00%	100.00%	100.00%		0.69%	0.75%	
Requirements: The 50% requirements is a combination of 25% LBE and 125% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE25%	SLBE25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Adan Pacific C = Caucasian H = Hispanic NA = Native American O = Other ML = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

CONTRACTOR: JH Fitzmaurice

<u>Engineer's Estimate:</u> 2,165,900.00	<u>Contractors' Bid Amount</u> \$1,853,921.51	<u>Over/Under Engineer's Estimate</u> 311,978.49
---	--	---

<u>Discounted Bid Amount:</u> \$1,761,225.43	<u>Amount of Bid Discount</u> \$92,696.08	<u>Discount Points:</u> 5.00%
---	--	----------------------------------

1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
- a) % of LBE participation 54.60%
- b) % of SLBE participation 44.86%
3. Did the contractor meet the Trucking requirement? YES
- c) Total-SLBE/LBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES
- (If yes, list the percentage received) 5.00%
5. Did the firm meet the 33% core workforce requirement. YES
6. Additional Comments.

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

2/9/2012
Date

Reviewing
Officer:

Vivian Lerner

Date: 2/9/2012

Approved By:

Shelley Darenburg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,165,900.00				Under/Over Enginaere Estimate: 2,165,900.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Truckng	Truckng	Dollars	Ethn.	MBE	WBE	
PRIME	JH Fitzmaurice	Oakland	CB	1,012,262.51		1,102,262.51			1,012,262.51	C			
Abatement, Demolition, Earthwork Fence Trucking	AMG	Oakland	CB		601,600.00	801,600.00			801,600.00	C			
	Chain Link Fence & Supply	Livermore	UB						10,059.00	NL			
	Williams Trucking	Oakland	CB		30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	AA	30,000.00		
Project Totals				\$1,012,262.51	\$831,600.00	\$1,903,862.51	\$30,000.00	\$30,000.00	\$1,853,921.51		\$30,000.00	\$0.00	
				54.60%	44.06%	99.46%	100.00%	100.00%	100.00%		1.62%	0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 125% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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					

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 6O & 7O, Demolition and Remediation Project (including \$500,000 allowance)

CONTRACTOR: Turner Group Construction

Engineer's Estimate:
2,165,900.00

Contractors' Bid Amount
\$1,888,611.35

Over/Under Engineer's Estimate
277,288.65

Discounted Bid Amount:
\$1,831,953.01

Amount of Bid Discount
\$56,658.34

Discount Points:
3.00% 5%

1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
- a) % of LBE participation 10.59%
- b) % of SLBE participation 53.03%
3. Did the contractor meet the Trucking requirement? YES
- c) Total SLBE/LBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES
- (If yes, list the percentage received) 3.00%
5. Did the firm meet the 33% core workforce requirement. YES
6. Additional Comments.

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

2/9/2012

Date

Reviewing Officer:



Date: 2/9/2012

Approved By:

Shelley Darsenburg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 4

Project Name: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,165,900.00			Under/Over Engineers Estimate: 2,165,899.00							
Discipline	Prime & Subs	Location	CerL Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Turner Group Construction	Oakland	CB		781,611.35	781,611.35			781,611.35	AA		
Supplies	General Supply	Oakland	CB		40,000.00	40,000.00			40,000.00	AA	40,000.00	
Air Monitoring	West Oakland Environmental	Oakland	UB						25,000.00	AA		25,000.00
Eno/Excavate	McGuire & Hester	Oakland	CB	200,000.00		200,000.00			200,000.00	C		
Trucking	S&S Trucking	Oakland	CB		170,000.00	170,000.00	170,000.00	170,000.00	170,000.00	H	170,000.00	
Recycling	Urban Recycling	Oakland	UB						60,000.00	NL		
SWPPP	Schutz & Assoc.	Oakland	UB						7,000.00	C		
Surveying/Excavating	Focon, Inc.	Oakland	CB		10,000.00	10,000.00			10,000.00	AA	10,000.00	
Demo/Abatement	NCM Demolition & Remediation, Inc.	Brea	UB						595,000.00	NL		
Project Totals				\$200,000.00	\$1,001,611.35	\$1,201,611.35	\$170,000.00	\$170,000.00	\$1,888,611.35		\$220,000.00	\$25,000.00
				10.59%	53.03%	63.62%	100.00%	100.00%	100.00%		11.65%	1.32%
Requirements: The 50% requirements is a combination of 25% LBE and 12.5% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LSE = 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 = Woman Business Enterprise								

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 6O & 7O, Demolition and Remediation Project (including 5500,000 allowance)

CONTRACTOR: Innovative Construction Services

Engineer's Estimate:
2,165,900.00

Contractors' Bid Amount
\$1,606,961.95

Over/Under Engineer's Estimate
558,938.05

Discounted Bid Amount:

Amount of Bid Discount

Discount Points:

- 1. Did the 50% local/small local requirements apply? YES
- 2. Did the contractor meet the 50% requirement? NO
 - a) % of LBE participation 94.77%
 - b) % of SLBE participation 1.80%
- 3. Did the contractor meet the Trucking requirement? YES
 - c) Total SLBE/LBE trucking participation 100.00%
- 4. Did the contractor receive bid discounts? NO
 - (If yes, list the percentage received) 0.00%
- 5. Did the firm meet the 33% core workforce requirement. YES
- 6. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE requirement with a 23.20% SLBE shortfall. Therefore the firm is deemed non-responsive.

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

2/9/2012

Date

Reviewing Officer:

Vivian Anne

Date: 2/9/2012

Approved By:

Shelley Oarensberg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,165,900.00			Under/Over Engineers Estimate: 558,938.05								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Innovative Construction Services	Oakland	CB	1,397,761.95		1,397,761.95			1,397,761.95	C			
Asbestos Abatement	Sterling Environmental	Oakland	CB	125,200.00		125,200.00			125,200.00	C			
Geotech Testing	Rockridge Geatechnical	Oakland	CB		4,000.00	4,000.00			4,000.00	C			
Survey	Psomas	Oakland	UB						40,000.00	C			
Electrical	Gill's Electric	Oakland	CB		5,000.00	5,000.00			5,000.00	C			
Offsite Trucking	CJC Trucking	Oakland	CB		20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	AA	20,000.00		
Paving	El Camino Paving	Dublin	UB						15,000.00	NL			
Project Totals				\$1,522,961.95	\$29,000.00	\$1,551,961.95	\$20,000.00	\$20,000.00	\$1,606,961.95		\$20,000.00	\$0	
				94.77%	1.80%	96.58%	100.00%	100.00%	100.00%		1.24%	0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LSE = 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									

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 6O & 7O, Demolition and Remediation Project (including \$500,000 allowance)

CONTRACTOR: Pare Services

Engineer's Estimate:
2,165,900.00

Contractors' Bid Amount
\$1,910,800.00

Over/Under Engineer's Estimate
255,100.00

Discounted Bid Amount:

Amount of Bid Discount

Discount Points:

1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? NO
- a) % of LBE participation 0.00%
- b) % of SLBE participation 0.00%
3. Did the contractor meet the Trucking requirement? NO
- c) Total SLBE/LBE trucking participation 0.00%
4. Did the contractor receive bid discounts? NO
- (if yes, list the percentage received) 0.00%
5. Did the firm meet the 33% core workforce requirement. NO
6. Additional Comments.

Firm failed to submit the required Schedule R, therefore compliance cannot be determined.

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

2/9/2012

Date

Reviewing
Officer:

[Signature]

Date: 2/9/2012

Approved By:

Shelley Dorensburg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 5

Project Name: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,166,900.00			Under/Over Engineers Estimate: 255,100.00								
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Parc Services	Livermore	UB						1,910,800.00	NL			
				NO SCHEDULE R SUBMITTED									
Project Totals				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,910,800.00		\$0.00	\$0	
				0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		0.00%	0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 125% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 125%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: P294110

PROJECT NAME: Building 6, 6T, 50 & 70, Demolition and Remediation Project (including \$600,000 allowance)

CONTRACTOR: Cal Pacific Construction, Inc.

<u>Engineer's Estimate:</u> 2,165,900.00	<u>Contractors' Bid Amount</u> \$1,987,565.00	<u>Over/Under Engineer's Estimate</u> 178,335.00
---	--	---

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Discount Points:</u>
-------------------------------	-------------------------------	-------------------------

1. Did the 50% local/small local requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **NO**
 - a) % of LBE participation **92.86%**
 - b) % of SLBE participation **1.56%**
3. Did the contractor meet the Trucking requirement? **YES**
 - c) Total SLBE/LBE trucking participation **100.00%**
4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0.00%**
5. Did the firm meet the 33% core workforce requirement. **NO**

6. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE requirement with an SLBE shortfall of 23.44%. Therefore the firm is deemed non-responsive.

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

2/9/2012
Date

Reviewing
Officer:

Vanik J...

Date: 2/9/2012

Approved By:

Shelley Oarensburg

Date: 2/9/2012

LBE/SLBE PARTICIPATION

BIDDER 6

Project Name: Building 6, 6T, 60 & 70, Demolition and Remediation Project (including \$500,000 allowance)

Project No.: P294110		Engineers Est: 2,165,900.00				Undsr/Over Engineers Estimate: 2,165,899.00						
Disciplns	Prime & Subs	Location	Cert Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Cal Pacific Construction, Inc.	Oakland	CB	1,845,565.00		1,645,565.00			1,945,565.00	AP	1,845,665.00	
Asphalt Paving	Aloniz Construction	Fremont	UB						23,000.00	H		23,000.00
Fence & Gate	AAA Fence Company	Santa Clara	UB						10,000.00	C		
Abatement	Allied Environment	Hayward	UB						78,000.00	C		
Trucking	Williams Trucking	Oakland	CB		31,000.00	31,000.00	31,000.00	31,000.00	31,000.00	AA	31,000.00	
Project Totals				\$1,845,565.00	\$31,000.00	\$1,876,565.00	\$31,000.00	\$31,000.00	\$1,987,565.00		\$1,876,665.00	\$23,000.00
				92.86%	1.56%	94.42%	100.00%	100.00%	100.00%		94.42%	1.16%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise								UB = Uncertified Business CS = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

ATTACHMENT B - PERFORMANCE EVALUATION

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

Project Number/Title: 711 - 71st Avenue Demolition
Work Order Number (if applicable): Project No. C443710
Contractor: Downrite Corporation
Date of Notice to Proceed: 12-12-2011
Date of Notice of Completion: Pending
Date of Notice of Final Completion: _____
Contract Amount: \$149,700.00
Evaluator Name and Title: Jun Osalbo, Construction Coordinator

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

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

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

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

ASSESSMENT GUIDELINES:

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

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

TIMELINESS

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

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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	No
						<input checked="" type="checkbox"/>	<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"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.					Yes	No
						<input type="checkbox"/>	<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	No
						<input type="checkbox"/>	<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	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0	1	2	3		
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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>.50</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.50</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.40</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>.30</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.30</u>

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

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.*

David Page 3/2/12
Contractor / Date

Jim Oalbo 3/1/12
Resident Engineer / Date

Dg Lu 3/1/12
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____ C.M.S.
2012 MAY 30 AM 10:39

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONSTRUCTION CONTRACT WITH DOWNRITE CORPORATION FOR AN AMOUNT NOT-TO-EXCEED ONE MILLION SEVEN HUNDRED THIRTY-FOUR THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$1,734,565) FOR THE OAKLAND ARMY BASE BUILDING 6, 6T, 60, AND 70 DEMOLITION AND REMEDIATION PROJECT (P294110)

WHEREAS, the Redevelopment Agency (“Agency”) received through a no-cost Economic Development Conveyance from the United States Army approximately 165 acres of the former Oakland Army Base property, which has been divided into the West Gateway, East Gateway, North Gateway and Central Gateway Areas; and

WHEREAS, the Agency conducted environmental remediation activities at the former Army Base since about 2006 pursuant to agreements with the Army and the requirements of the California Department of Toxic Substances Control; and

WHEREAS, effective January 31, 2012, the City of Oakland (“City”) acquired the Agency’s Army Base property along with all rights and obligations associated with the property, including the Agency’s responsibility under the Environmental Services Cooperation Agreement (“ESCA”) to complete the environmental remediation required by the Army Base Remedial Action Plan and Risk Management Plan (“RAP/RMP”); and

WHEREAS, the ESCA is a binding agreement with the Army, which requires regulatory closure by July 31, 2013 of all 165 site-specific locations identified in the Army Base RAP/RMP; and

WHEREAS, ten of the site-specific RMP sites and portions of five of the area-wide RMP sites are located in the Central Gateway Area under and around Buildings 6, 6T, 60, and 70, which must be demolished to provide access to the sites; and

WHEREAS, remediation of the RMP sites in the vicinity of Building 6, 6T, 60, and 70 involves the following tasks: 1) abate and demolish 37,099 square feet of buildings, 2) excavate approximately 81,000 square feet of foundations and approximately 153,000 square feet of surrounding hardscape, 3) address 10 of the remaining 25 identified, but not yet evaluated, site-specific Risk Management Program (RMP) sites, and portions of five categorical RMP sites, 4) sample and remove any contaminated soil or materials and back fill with clean soil, and 5) address any previously unknown environmental issues discovered during the project (altogether the “Building 6, 6T, 60, and 70 Demolition and Remediation Project” or the “Project”); and

WHEREAS, the Project must begin by June 30, 2012 if the City is to achieve regulatory closure sites by July 31, 2013 of all 165 site-specific locations identified in the Army Base RAP/RMP; and

WHEREAS, four previous environmental documents have been prepared for the former Army Base: 2002 Environmental Impact Report (“EIR”) for the Oakland Army Base Redevelopment Plan and Reuse Plan; 2006 Supplemental EIR for the Auto Mall project; 2007 Addendum to the Auto Mall Supplemental EIR, and a 2009 Addendum for an Aggregate Recycling and Fill project (collectively called “Previous CEQA Documents”); and

WHEREAS, the Public Works Agency, in administering a formal construction bid process for the Project issued a Notice Inviting Bids on January 9, 2012 and received bids from the following six firms:

- Downrite Corporation
- J.H. Fitzmaurice
- Turner Group Construction
- Innovative Construction services
- Pare services
- Cal Pacific Construction Inc.

and

WHEREAS, only Downrite, J.H. Fitzmaurice, and Turner Group Construction met the local participation requirements specified in Ordinance No. 13097 C.M.S. and were deemed responsive bidders; and

WHEREAS, Downrite submitted the lowest bid of the three responsive bidders and as the lowest responsive bidder must be awarded the contract for the Project pursuant to Oakland Municipal Code Section 2.04.050.E; and

WHEREAS, the contract to be awarded hereunder is in the public interest because of economy or better performance and involves services of a professional, scientific or technical and temporary nature and 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 contract for the Building 6, 6T, 60, and 70 Demolition and Remediation Project at the Oakland Army Base to Downrite Corporation, the lowest responsible, responsive bidder, in an amount not to exceed one million seven hundred thirty four thousand five hundred sixty-five dollars (\$1,734,565); and be it

FURTHER RESOLVED: That Army Base Joint Environmental Remediation Fund (Fund 5674) will pay up to \$1,066,075 of the \$1,734,565 total and OBRA Leasing & Utility Fund (Fund 5671) will pay up to \$928,490 of the \$1,734,565 total project costs, but that total payments from both Funds shall not exceed \$1,734,565; and be it

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

FURTHER RESOLVED: That the City hereby finds and determines that the Previous CEQA Documents are appropriate for the proposed project because (1) there are no substantial changes proposed as part of the project that would involve major revisions to the previous CEQA documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (2) no substantial changes have occurred with respect to circumstances under which the project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant

environmental effects or a substantial increase in the severity of previously identified significant effects, and (3) there is no new information of substantial importance that indicates that the project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects; and be it

FURTHER RESOLVED: That the Environmental Review Officer shall file a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That, prior to execution, the City Attorney must approve the contract as to form and legality, and a copy shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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