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OFFICE OF THE CITY CLERK  
OAKLAND

2018 JAN 31 AM 10:06

# AGENDA REPORT

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

**FROM:** Jason Mitchell  
Director, Public Works

**SUBJECT:** Construction Award for Tassafaronga  
Gym Waterproofing

**DATE:** January 23, 2018

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City Administrator Approval

Date:

*[Handwritten signature]*  
*1/30/18*

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Bay Construction Company, The Lowest Responsive And Responsible Bidder, For The Tassafaronga Gym Waterproofing (Project Number 1003446), In Accordance With The Project Plans And Specifications And With The Contractor's Bid In The Amount Of Three Hundred Forty-Five Thousand Nine Hundred Ninety Dollars (\$345,990.00).**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute a construction contract with Bay Construction Company in the amount of \$345,990.00 for the Tassafaronga Gym Waterproofing Project (Project). Tassafaronga Gym is operated by the Oakland Parks and Recreation Department (OPR) and is located in Council District 7 as shown in **Attachment A: Project Location Map**. The Project will rehabilitate the building envelope to stop water intrusions in the gym. This will allow the Oakland Public Works (OPW) Facility Services to replace the water damaged indoor sports flooring to resume athletic programs at the facility.

## BACKGROUND/LEGISLATIVE HISTORY

Constructed in 1996, Tassafaronga Gym is an indoor sports facility at the Tassafaronga Recreation Center located at 975 85<sup>th</sup> Avenue in East Oakland. The programs at the gym include adult basketball and youth sports leagues, facility rentals, and use by the Oakland Unified School District (OUSD) sports leagues under a joint use agreement. The building structure consists of a gable asphalt singled roof with skylights, concrete masonry block exterior walls, and concrete slab on grade with hardwood sports flooring.

In February 2015 Tassafaronga Gym was deemed unusable due to extensive water damage to the hardwood sports flooring during heavy rains. In April 2015 staff removed the flooring with the intent to replace via the City's insurance program. During the flooring removal, significant amounts of moisture were discovered under the flooring. Upon further investigation, it was discovered that rainwater was coming through joint cracks that formed on concrete masonry

Item: \_\_\_\_\_  
Public Works Committee  
February 13, 2018

block walls and gaps around the exterior doorways. Furthermore, groundwater was seeping through the concrete floor joints.

On March 21, 2017, the City Council approved Resolution No. 86653 C.M.S. authorizing the City to apply for, accept, and appropriate Housing Related Parks Program (HRPP) Grant funds from the California Department of Housing and Community Development (HCD) for improvements to the Tassafaronga Gym. On November 8, 2017, HRPP Grant agreement was executed with HCD for a reimbursement amount not-to-exceed \$164,650.00 for the rehabilitation of Tassafaronga Gym.

On June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$420,000.00 of proceeds from the City of Oakland General Obligation Bonds, Measure KK: Infrastructure and Affordable Housing Series 2017A-1 and 2017A-2, for the Tassafaronga Gymnasium Upgrade in the Fiscal Year (FY) 2017-2019 budget.

### **ANALYSIS/POLICY ALTERNATIVES**

The Project was advertised for bid on November 10, 2017. Notifications were distributed by several means:

- The City of Oakland *iSupplier* system which includes City certified firms, registered General Contractors, plan rooms and builder's exchange, totaling over 300 notices.
- Printed legal notice in the East Bay Times, Oakland Post, El Mundo, The Korea Times, and World Journal publications.
- Posting on CIPlist.com, which distributes to registered plan rooms and builders' exchanges.

On December 14, 2017, the City Clerk received four (4) bids from general contractors for the Project as summarized below:

<b>Company</b>	<b>Base Bid</b>	<b>Bid Alternate No. 2</b>	<b>Bid Alternate No. 3</b>	<b>Bid Total</b>
<b>Engineer's Estimate</b>	<b>\$350,000.00</b>	<b>\$25,000.00</b>	<b>\$24,000.00</b>	<b>\$399,000.00</b>
Bay Construction Co.	\$304,990.00	\$21,000.00	\$20,000.00	\$345,990.00
JCP Industries, LLC	\$286,500.00	\$28,000.00	\$43,000.00	\$357,500.00
Rockridge Builders	\$347,661.00	\$22,540.00	\$23,039.00	\$393,240.00
Saboo, Inc.	\$541,000.00	\$32,000.00	-	\$573,000.00

*\*Bid Alternate No. 1 Not Used.*

*Bid Analysis:*

The Contracts and Compliance Division of the City Administrator's Office deemed three (3) bidders as responsive as shown on **Attachment B: Compliance Analysis** dated January 9, 2018. Bay Construction Company was deemed the lowest responsive and responsible bidder and therefore is recommended for the award. Their bid total of \$345,990.00 is 13% below the Engineer's estimate of \$399,000.00 for Base Bid plus Bid Alternates 2 and 3.

Under the proposed contract with Bay Construction Company, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 67.66%. The LBE/SLBE information has been verified by the Contracts and Compliance Division and is shown in **Attachment B**.

**FISCAL IMPACT**

Project funds for award of the construction contract are available through the following sources:

<b>Funding Source</b>	<b>Amount</b>
• Measure KK: Infrastructure and Affordable House Fund (5330), Capital Projects Organization (92270), Capital Improvements - Buildings Additions and Improvements Account (57212), Tassafaronga Gym Repair Project (No. 1003446), Project Delivery Program (IN06), and Award (23253)	\$181,340.00
• California Housing and Community Development Fund (2144), Capital Projects Organization (92270), Capital Improvements - Buildings Additions and Improvements Account (57212), Tassafaronga Gym Repair Project (No. 1003446), Project Delivery Program (IN06), and Award (23353)	\$164,650.00

**PAST PERFORMANCES, EVALUATION AND FOLLOW-UP**

Contractor Performance Evaluations for Bay Construction Company from previously completed projects in 2016 and 2017 are satisfactory and are included as **Attachment C: Contractor Performance Evaluation**.

**PUBLIC OUTREACH/INTEREST**

Tassafaronga Gym has been closed to the public since February 2015. Prior to the start of construction, the neighboring residents and establishments affected by the work will be notified regarding the construction activities and project contact information. Temporary construction fencing and protective mitigation measures shall be implemented to minimize disruptions to the public and operations at the Tassafaronga Recreation Center.

## **COORDINATION**

The work to be done under the contract was coordinated with OPR, OPW Bureau of Facilities and Environment, and the Contracts and Compliance Division. In addition, the Office of the City Attorney and the Controller's Bureau have reviewed this report and resolution.

Construction work is anticipated to begin in April 2018 and completed by the summer of 2018 contingent on weather conditions.

## **SUSTAINABLE OPPORTUNITIES**

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

***Environmental:*** Best Management Practices shall be required to prevent storm water runoff from the jobsite during construction.

***Social Equity:*** Tassafaronga Gym is in an area of high ethnic diversity, low income, and limited English speaking constituencies. Once the Project is completed, the indoor sports flooring will be reinstalled and the gym reopened to the public for athletic programs.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt the resolution authorizing the City Administrator to award a construction contract to Bay Construction Company, the lowest responsive and responsible bidder, for the Tassafaronga Gym Waterproofing Project (Number 1003446) in accordance with the Project Plans and Specifications and with the Contractor's Bid in the amount of three hundred forty-five thousand nine hundred ninety dollars (\$345,990.00).

For questions regarding this report, please contact WooJae Kim, P.E., Capital Improvement Project (CIP) Coordinator at (510) 238-3389.

Respectfully submitted,



JASON MITCHELL  
Director, Oakland Public Works

Reviewed by:  
Danny Lau, P.E., Assistant Director  
Bureau of Design & Construction

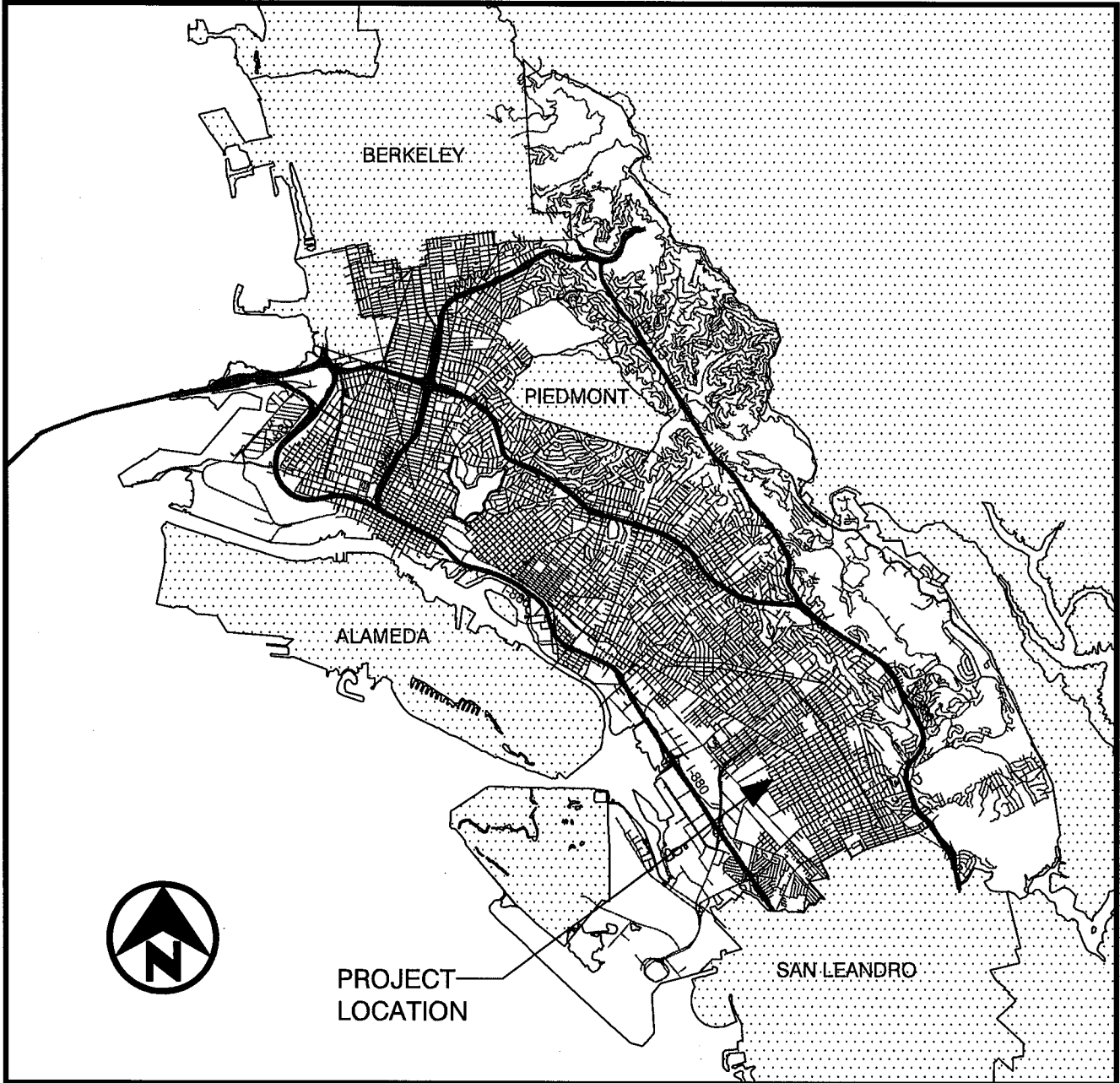
Reviewed by:  
Matthew Lee, P.E., Division Manager  
Project Delivery Division

Prepared by:  
WooJae Kim, P.E., CIP Coordinator  
Project Delivery Division

*Attachments (3):*

- A: Project Location Map*
- B: Compliance Analysis dated January 9, 2018*
- C: Contractor Performance Evaluations (3)*

Attachment A: Project Location Map





Attachment B: Compliance Analysis

# INTER OFFICE MEMORANDUM

**TO:** Woojae Kim,  
Civil Engineer

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

**SUBJECT:** Compliance Analysis  
Tassafaronga Gym Waterproofing  
(Includes Alternates 2 and 3)  
Project No.1003446

**DATE:** January 9, 2018

City Administrator's Office, Contracts and Compliance Unit reviewed four (4) bids in response to the above referenced project. Below find the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the apparent low bidder's compliance with the 50% Local Employment Program (LEP) and 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Compliant to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$345,990	67.66%	0%	67.66%	0%	NA	65.67%	3%	\$335,610.30	Y
Rockridge Builders	\$393,240	54.96%	0%	54.96%	0%	NA	54.96%	2%	\$385,375.20	Y
Saboo, Inc.	\$573,000	44.50%	0%	0%	44.50% 89.0%*	NA	89.00%	5%	\$544,350.00	Y

**Comments:** As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. However, Saboo, Inc. did not include Bid Alternate No. 3. All firms are EBO compliant.

\*Proposed VSLBE/LPG participation for Saboo, Inc. is valued at 44.50%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 89.0%.

Non-Compliant to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
JCP Industries, Inc.	\$314,500	0%	0%	0%	0%	0%	0%	0%	NA	N

**Comments:** As noted above, JCP Industries, Inc. failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-compliant with the L/SLBE participation requirement. JCP Industries is not EBO compliant., and must come into compliance prior to full contract execution.



**For Informational Purposes**

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

**Contractor Name: Bay Construction Company**  
**Project Name: Martin Luther King Jr. Branch Library Renovations**  
**Project No.: C275120**

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

Was the 50% LEP Goal achieved?	<b>NO</b>	If no, shortfall hours?	<b>322</b>
Were all shortfalls satisfied?	<b>YES</b>	If no, penalty amount	

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	<b>NO</b>	If no, shortfall hours?	<b>151.35</b>
Were shortfalls satisfied?	<b>YES</b>	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	
<i>A</i>	<i>B</i>	<i>C</i>		<i>D</i>		<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>		<i>J</i>
1,109	0	50%	554.5	21%	232.5	0	322	21%	15	15%	166	151.35

**Comments:** Bay Construction Company did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals. However, the firm submitted off site hours which offset the above shortfalls, bringing the firm into compliance.

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



OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 1003446

PROJECT NAME: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

CONTRACTOR: JCP Industries, LLC

<u>Engineer's Estimate:</u> 399,000.00	<u>Contractors' Bid Amount</u> \$357,500.00	<u>Over/Under Engineer's Estimate</u> \$41,500.00
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Percent discount</u> 0.00%
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- 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%
  - c) % of VSLBE/LPG 0%
  
- 3. Did the contractor meet the Trucking requirement? NA
  - 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. Additional Comments.

**Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non compliant.**

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

1/9/2018

Date

Reviewing  
Officer:

*Vincent James*

Date: 1/9/2018

Approved By:

*Shelley Darenburg*

Date: 1/9/2018

# LBE/SLBE PARTICIPATION

## Bidder 1

Project Name: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

Project No.: 1003446		Engineers Est: 399,000.00			Under/Over Engineers Estimate: 41,500.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	JCP Industries, LLC	San Carlos	UB							314,500.00		NL		
<b>Project Totals</b>				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$357,500.00			\$0.00	\$0.00
				0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%			0.00%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership				
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.: 1003446**

**PROJECT NAME: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)**

**CONTRACTOR: Bay Construction Co.**

<b>Engineer's Estimate:</b> 399,000.00	<b>Contractors' Bid Amount</b> \$345,990.00	<b>Over/Under Engineer's Estimate</b> \$53,010.00
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<b>Discounted Bid Amount:</b> \$336,610.30	<b>Amount of Bid Discount</b> \$10,379.70	<b>Discount Points:</b> 3.00%
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- 1. Did the 50% local/small local requirements apply? **YES**
  
- 2. Did the contractor meet the 50% requirement? **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **67.66%**
  - c) % of VSLBE/LPG participation **0%**
  
- 3. Did the contractor meet the Trucking requirement? **NA**
  - c) Total SLBE/LBE trucking participation **0.00%**
  
- 4. Did the contractor receive bid discounts? **YES**
  - (If yes, list the percentage received) **3.00%**
  
- 5. Additional Comments.

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

1/9/2018

Date

**Reviewing  
Officer:**

Vinai Juma

**Date:** 1/9/2018

**Approved By:**

Shelley Sorenburg

**Date:** 1/9/2018

# LBE/SLBE PARTICIPATION

## Bidder 2

Project Name: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

Project No.: 1003446		Engineers Est: 399,000.00			Under/Over Engineers Estimate: 53,010.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
<b>PRIME</b>	Bay Construction Co.	Oakland	CB		234,090.00		234,090.00			234,090.00	AP	234,090.00	
Steel Work	Bay Area Welding	Richmond	UB							35,000.00	NL		
Painting/Coating	A&A Painting	San Jose	UB							37,900.00	NL		
Waterproofing	AP & Deck Waterproof	Concord	UB							39,000.00	NL		
<b>Project Totals</b>				\$0.00	\$234,090.00	\$0.00	\$234,090.00	\$0.00	\$0.00	\$345,990.00		\$234,090.00	\$0.00
				0.00%	67.66%	0.00%	67.66%	0.00%	0.00%	100.00%		67.66%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25% SLBE 25%		TOTAL LBE/SLBE		50% LBE/SLBE TRUCKING		<b>Ethnicity</b> 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.: 1003446

PROJECT NAME: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

CONTRACTOR: Rockridge Builders

Engineer's Estimate:  
399,000.00

Contractors' Bid Amount  
\$393,240.00

Over/Under Engineer's Estimate  
5,760.00

Discounted Bid Amount:  
\$385,375.20

Amount of Bid Discount  
\$7,864.80

Discount Points:  
2.00%

- 1. Did the 50% local/small local requirements apply? **YES**
  
- 2. Did the contractor meet the 50% requirement? **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **54.96%**
  - c) % of VSLBE/LPG participation
  
- 3. Did the contractor meet the Trucking requirement? **NA**
  - c) Total SLBE/LBE trucking participation **0.00%**
  
- 4. Did the contractor receive bid discounts? **YES**
  - (If yes, list the percentage received) **2.00%**
  
- 5. Additional Comments.

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

1/9/2018

Date

Reviewing Officer:

Vivian Anna

Date: 1/9/2018

Approved By:

Shelley Dorenburg

Date: 1/9/2018

# LBE/SLBE PARTICIPATION

## Bidder 3

Project Name: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

Project No.: 1003446		Engineers Est: 399,000.00				Under/Over Engineers Estimate: 5,760.00							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	LPG/VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Rockridge Builders	Oakland	CB		216,140.00		216,140.00			216,140.00	C		
Coatings	Excellco Coating, Inc.	San Francisco	UB							134,245.00	NL		
Sheetmetal	Walter Mork Sheetmetal	Berkeley	UB							26,125.00	NL		
Awnings & Railings	Bob's Iron	Oakland	UB							16,730.00	C		
<b>Project Totals</b>				\$0.00	\$216,140.00	\$0.00	\$216,140.00	\$0.00	\$0.00	\$393,240.00		\$0.00	\$0.00
				0.00%	54.96%	0.00%	54.96%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25% SLBE 25% of 50%		TOTAL LBE/SLBE		50% LBE/SLBE TRUCKING		<b>Ethnicity</b> 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.:** 1003446

**PROJECT NAME:** Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

**CONTRACTOR:** Saboo Inc.

**Engineer's Estimate:**  
399,000.00

**Contractors' Bid Amount**  
\$573,000.00

**Over/Under Engineer's Estimate**  
-174,000.00

**Discounted Bid Amount:**  
\$544,350.00

**Amount of Bid Discount**  
\$28,650.00

**Discount Points:**  
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 **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE/LPG participation\* **44.50%** (Double counted value is 89.0%)
- 3. Did the contractor meet the Trucking requirement? **NA**
  - c) Total SLBE/LBE trucking participation **0.00%**
- 4. Did the contractor receive bid discounts? **YES**
  - (If yes, list the percentage received) **5.00%**

5. Additional Comments.  
**Proposed VSLBE/LPG participation is valued at 44.50%, however per the L/SLBE Program a VSLBE/LPGS' participation is double counted towards meeting the requirement. Therefore, the double counted percentage is 89.0%. However, bidder did not include Bid Alternate No. 3.**

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

1/9/2018

Date

**Reviewing Officer:**

Vinita Dama

**Date:** 1/9/2018

**Approved By:**

Shelley Darenburg

**Date:** 1/9/2018

# LBE/SLBE PARTICIPATION

## Bidder 4

Project Name: Tassafaronga Gym Waterproofing (Includes Alternates 2 and 3)

Project No.: 1003446		Engineers Est: 399,000.00			Under/Over Engineers Estimate: -174,000.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/VSLBE*	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
Prime B, C12	Saboo Inc.	Brentwood	UB							318,000.00	NL		
	Imaan Construction	Oakland	CB			255,000.00	255,000.00			255,000.00	H	255,000.00	
<b>Project Totals:</b>				\$0.00	\$0.00	\$255,000.00	\$255,000.00	\$0.00	\$0.00	\$573,000.00		\$255,000.00	\$0.00
				0.00%	0.00%	44.50%	0.00%	0.00%	0.00%	100.00%		44.50%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25% SLBE 25%		TOTAL LBE/SLBE		50% LBE/SLBE TRUCKING		<b>Ethnicity</b> 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									

\*Proposed VSLBE/LPG participation is valued at 44.5%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.



# Attachment C: Contractor Performance Evaluation

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

Project Number/Title: C464510 / BART 17th Street Gateway

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

Contractor: Bay Construction Company

Date of Notice to Proceed: 9/10/13

Date of Notice of Completion: 1/29/16

Date of Notice of Final Completion: 1/29/16

Contract Amount: \$1,131,513.65

Evaluator Name and Title: Alan Chiang/Resident Engineer

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

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

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

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

#### **ASSESSMENT GUIDELINES:**

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

Unsatisfactory  
 Marginal  
 Satisfactory  
 Outstanding  
 Not Applicable

**WORK PERFORMANCE**

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**TIMELINESS**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> 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 checked="" type="checkbox"/>	2 <input 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	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<p><b>Overall, how did the Contractor rate on financial issues?</b></p> <p><b>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</b></p> <p><b>Check 0, 1, 2, or 3.</b></p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

## OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>0.50</u>
2. Enter Overall score from Question 13	<u>1</u>	X 0.25 =	<u>0.25</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): 1.75

OVERALL RATING: 1.75

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

### PROCEDURE:

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

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

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

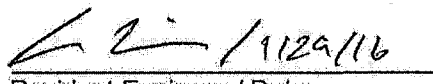
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.


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

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

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

  
Contractor / Date

 1/29/16  
Resident Engineer / Date

 1/29/16  
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.

2A. When the glass was installed in February of 2015, a walkthrough was held with the project manager and design consultants. The project team agreed that 7 panels would be rejected due to inconsistent color and/or severe wrinkling of the interlayer. Attached is the architect's recommendation and key map to the rejected panels. The resident engineer directed the contractor to reconstruct and replace the 7 rejected panels at this time.

8 / 10 /12. There were significant delays in the installation of the glass. Beginning in March of 2014, the city continuously requested schedule updates on the delivery of the glass. The requests were met with constant delays and the contractor was not able to provide any update or delivery within a reasonable time period. After numerous missed deadlines by the contractor and his subcontractors, the city and the contractor agreed to settle the liquidated damages for the delayed completion of the project for \$80,000. The deduct to the contract was executed in Contract Change Order No. 3 and set a new deadline for installation. The contractor was able to meet the new deadline of 3/31/15, but issues with the installed glass as described in 2A above prevented the completion of the project.



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

Project Number/Title: C464610-Tassafaronga Recreation Center Interior Remodel

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

Contractor: Bay Construction

Date of Notice to Proceed: July 1, 2015

Date of Notice of Completion: March 4, 2016

Date of Notice of Final Completion: March 4, 2016

Contract Amount: \$510,795.12

Evaluator Name and Title: Ishrat Jahan, Assistant Engineer II

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**WORK PERFORMANCE**

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input 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"/>	

Unsatisfactory  
 Marginal  
 Satisfactory  
 Outstanding  
 Not Applicable

**TIMELINESS**

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"/>	

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

## OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>.4</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.30</u>

TOTAL SCORE (Sum of 1 through 5): 2.10

OVERALL RATING: 2.10

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

### PROCEDURE:

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

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


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

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


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

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

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

  
\_\_\_\_\_  
Contractor / Date

 / 4-6-16  
\_\_\_\_\_  
Resident Engineer / Date

 4/6/16  
\_\_\_\_\_  
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.

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

Project Number/Title:	<u>C468220/Highway Safety Improvement Program Cycle 5 - 98th Avenue</u>
Work Order Number (if applicable):	<u>N/A</u>
Contractor:	<u>Bay Construction</u>
Date of Notice to Proceed:	<u>March 6th, 2017</u>
Date of Notice of Completion:	<u>August 10th, 2017</u>
Date of Notice of Final Completion:	<u>August 10th, 2017</u>
Contract Amount:	<u>\$590,215.00</u>
Evaluator Name and Title:	<u>Alan Chan, Resident Engineer</u>

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

Unsatisfactory  
 Marginal  
 Satisfactory  
 Outstanding  
 Not Applicable

**WORK PERFORMANCE**

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

**TIMELINESS**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

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

**FINANCIAL**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?  Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<b>Overall, how did the Contractor rate on financial issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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

**SAFETY**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

## OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>0.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>0.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>0.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>0.3</u>

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: Satisfactory

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

### PROCEDURE:

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

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

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



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

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

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

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

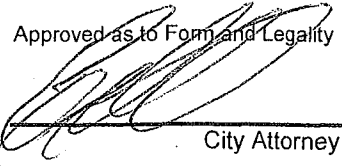
  
\_\_\_\_\_  
Contractor / Date 1/5/2018

  
\_\_\_\_\_  
Resident Engineer / Date 1/5/2018

  
\_\_\_\_\_  
Supervising Civil Engineer / Date 1/5/18

**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.

Approved as to Form and Legality  
  
City Attorney

2018 JAN 31 AM 10:06

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE TASSAFARONGA GYM WATERPROOFING (PROJECT NUMBER 1003446), IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND WITH THE CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED FORTY-FIVE THOUSAND NINE HUNDRED NINETY DOLLARS (\$345,990.00)**

**WHEREAS**, the Tassafaronga Gym, located at 975 85th Avenue in Council District 7, is operated by the Oakland Parks and Recreation Department and is where various community indoor athletic programs are hosted; and

**WHEREAS**, the gym has been closed to the public since February 2015 due to water damaged indoor sports flooring caused by water intrusions through the gaps and cracks on concrete block walls, exterior doorways, and the concrete slab; and

**WHEREAS**, the funding for the Tassafaronga Gym Waterproofing (Project Number 1003446) was approved for appropriation by the City Council through the Measure KK: Infrastructure and Affordable Housing Bond and Housing Related Parks Program Grant; and

**WHEREAS**, the project was advertised on November 10, 2017, and four bids were received by the Office of the City Clerk on December 14, 2017; and

**WHEREAS**, Bay Construction Company, a certified SLBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$345,990.00; and

**WHEREAS**, there are sufficient funds in the project budget for the work under the following sources:

- Measure KK: Infrastructure and Affordable Housing Bond Fund (5330); Capital Projects Organization (92270); Capital Improvements – Buildings Additions and Improvements Account (57212); Tassafaronga Gym Repair Project (1003446); and Award (23253)

- California Housing and Community Development Fund (2144); Capital Projects Organization (92270); Capital Improvements - Buildings Additions and Improvements Account (57212); Tassafaronga Gym Repair Project (1003446); and Award (23353); and

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

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

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

**WHEREAS**, Bay Construction Company shall comply with LBE/SLBE requirements and all other City programs and policies; now therefore be it

**RESOLVED:** That the City Administrator or designee is authorized to award a construction contract to Bay Construction Company, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated December 14, 2017, for the Tassafaronga Gym Waterproofing (Project Number 1003446), in an amount of Three Hundred Forty-Five Thousand Nine Hundred Ninety Dollars (\$345,990.00); and be it

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

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of the said project without return to the City Council; and be it

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

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

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

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

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

**PASSED BY THE FOLLOWING VOTE:**

**AYES -** BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

**NOES -**

**ABSENT -**

**ABSTENTION -**

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