

2017 JUN 28 PM 3:59

CITY OF OAKLAND

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

**FROM:** Ryan Russo  
Director, Department of  
Transportation

**SUBJECT:** Contract Award for Highway Safety  
Improvement Program Cycle 6  
(HSIP6): Grand Avenue Pedestrian  
Treatments

**DATE:** June 12, 2017

City Administrator Approval

Date:

6/28/17

**RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest, Responsible, Responsive Bidder, For Highway Safety Improvement Program Cycle 6 (HSIP6): Grand Avenue Pedestrian Treatments, Project No. 1001321 In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Nine Hundred Two Thousand Two Hundred And Ten Dollars (\$902,210.00).**

**EXECUTIVE SUMMARY**

Approval of the resolution will award a contract of \$902,210.00 to Ray's Electric, the lowest responsible, responsive bidder, for the Highway Safety Improvement Program Cycle 6 (HSIP6), Grand Avenue Project to improve safety and access for pedestrians, bicyclists and motorists on Grand Avenue in Oakland.

**BACKGROUND / LEGISLATIVE HISTORY**

In 2013 the City was awarded an HSIP6 grant to fund improvements on Grand Avenue from Park View Terrace to Euclid Avenue. The project was selected by a competitive selection process based on cost-effective measures that can reduce the number and severity of collisions for pedestrians, bicyclists and vehicles, especially those that result in severe injuries.

The project will improve all four of the uncontrolled crosswalks within the project area with pedestrian treatments including raised medians, bulb-outs, signing and pavement striping. In addition, two new pedestrian signals will be installed at the intersection of Grand Avenue at Bellevue Avenue and at Lenox Avenue.

The project is in Council District 3, as shown in **Attachment A**.

## ANALYSIS AND POLICY ALTERNATIVES

On April 28 and May 5, 2017, the City placed an advertisement on the East Bay Times to invite construction bids. On June 1, 2017, the City received three bids in the amounts of \$1,681,509.00, \$1,197,290.28, and \$902,210.00 from W. Bradley Electric, Bay Construction Company, and Ray's Electric respectively as shown in **Attachment B**.

The Contracts & Compliance Division determined that Ray's Electric bid is compliant with the City's Equal Benefits Ordinance (EBO), meets the Federal 16.18% Disadvantaged Business Enterprises, DBE goal, and is therefore the lowest, responsible, responsive bidder as shown in **Attachment C**. Ray's Electric's bid of \$902,210.00 is twenty-one percent (21%) above the Engineer's Estimate of \$744,838.00. Staff has reviewed and determined that Ray's Electric's bid is reasonable and reflects current market conditions. Hence, Ray's Electric is recommended to be awarded a contract. The project has sufficient funds for construction.

## FISCAL IMPACT

### *COST OF PROJECT:*

- Construction Contract: \$902,210.00

### *SOURCES OF FUNDING:*

The Resolution No. 85246 C.M.S. authorizing the acceptance and appropriation of HSIP6 federal funds for two projects included \$648,600.00 for the Grand Avenue Project as shown in **Attachment D**. A local match is required as a condition of the grant.

Funds are available as follows: HSIP6 Federal grant \$532,555.00, State of California, Department of Transportation; Project 1001321, Department of Transportation, Organization 92246, Fund number 2116, Expense 57412, Task 8.0, Award 21979, Traffic and Pedestrian Safety Program NB33; and

Measure B Fund number 2211: Local Match \$369,655.00, Project 1001321, Department of Transportation, Organization 92246, Fund number 2211, Expense 57412, Task 8.0, Award 21980, Traffic and Pedestrian Safety Program NB33. Funds will be available in Fiscal Year 2017-19 Proposed Budget.

## PUBLIC OUTREACH / INTEREST

Staff presented the project to the Bicyclist and Pedestrian Advisory Commission (BPAC) when the grant was first announced and solicited their input. BPAC gave positive feedback to staff and supported the project.

## **COORDINATION**

Staff coordinated with other City's departments and divisions during the design phase. The Office of the City Attorney and the Budget office reviewed this report and resolution.

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

Contractor Performance Evaluations on Ray's Electric from previously completed projects are satisfactory and are noted in **Attachment E**.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Improvements to pedestrian, bicycle and street facilities contribute to local economic activities.

**Environmental:** Walking is an energy efficient form of transportation and creates no emissions. Accessible pedestrian infrastructure promotes physical activity and good health. Bulb-out and shorter crosswalks improves pedestrian safety and access. Pedestrian signal heads improve traffic safety and walkability of community.

**Social Equity:** Improving pedestrian facilities is a key in promoting walking as a viable mode of transportation.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

On March 7, 2016, Caltrans approved that the project has no significant environmental impacts, and is deemed categorically exempted under the National Environmental Policy Act (NEPA) requirements.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest, Responsible, Responsive Bidder, For Highway Safety Improvement Program Cycle 6 (HSIP6): Grand Avenue Pedestrian Treatments, Project No. 1001321 In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Nine Hundred Two Thousand Two Hundred And Ten Dollars (\$902,210.00).

For questions regarding this report, please contact Wladimir Wlassowsky, Department of Transportation, Interim Assistant Director, at (510) 238-6383.

Respectfully submitted,



Ryan Rueso, Director  
Department of Transportation

Reviewed by:  
Wladimir Wlassowsky, P.E.  
Department of Transportation, Great Streets  
Interim Assistant Director

Prepared by:  
Ade Oluwasogo, P.E.  
Supervising Transportation Engineer  
Great Streets, Traffic Capital Projects  
Department of Transportation

**Attachments (5):**

- A: Location Map
- B: List of Bidders
- C: Contract Compliance Report
- D: Resolution to Accept HSIP Cycle 6 Grant
- E: Contractor Performance Evaluation

# **ATTACHMENTS A to E**

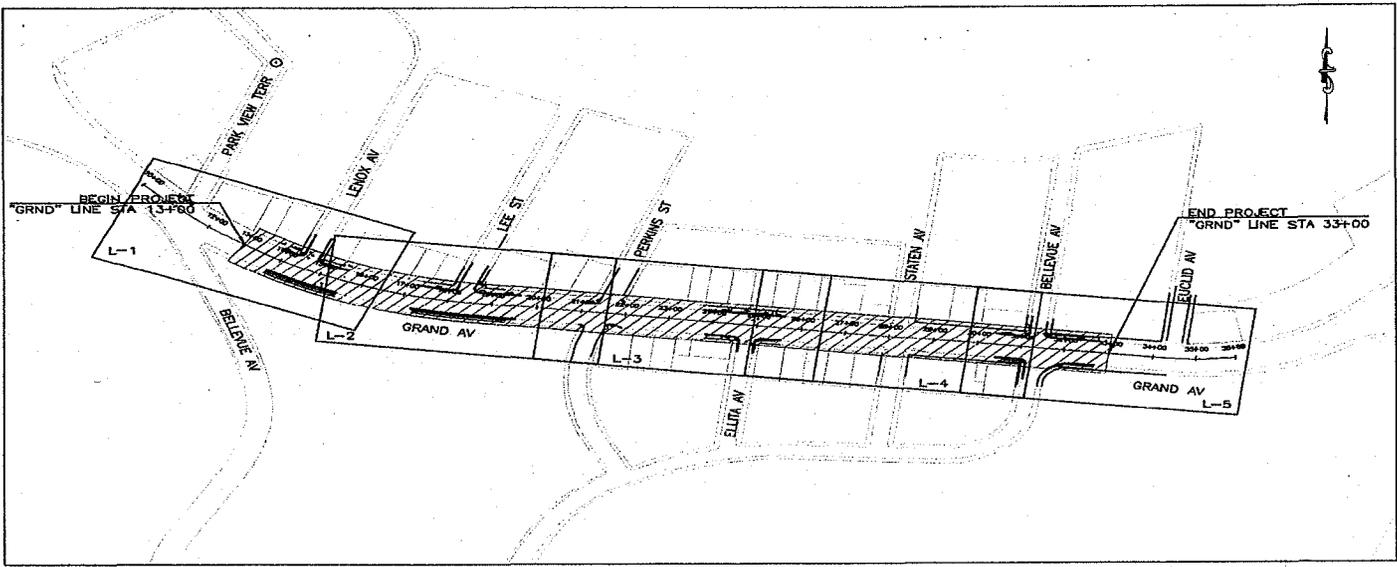
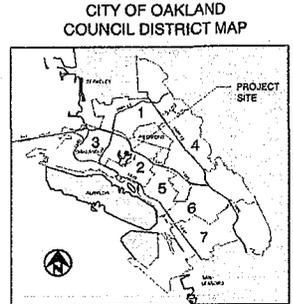
## **HSIP CYCLE 6 GRAND AVENUE**

**FEDERAL PROJECT NO. HSIPL-5012 (129)**

**CITY PROJECT NO. C481120**

- Attachment A. Location Map**
- Attachment B. List of Bidders**
- Attachment C. Contract Compliance Report**
- Attachment D. Resolution to Accept HSIP Cycle 6 Grant**
- Attachment E. Contractor Performance Evaluation**

**ATTACHMENT A**  
**LOCATION MAP**  
**HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 6**  
**GRAND AVENUE PEDESTRIAN TREATMENT**  
**FEDERAL PROJECT NO. HSIPL-5012(126)**  
**CITY PROJECT NO. 1001321**



**LOCATION MAPS**  
NOT TO SCALE

LIMITS OF WORK 

**ATTACHMENT B  
LIST OF BIDDERS**

**HSIP CYCLE 6  
GRAND AVENUE  
FEDERAL PROJECT NO. HSIPL-5012 (129)  
CITY PROJECT NO. C481120**

<b>Contractors</b>	<b>Bid Amount</b>
W. Bradley, Inc.	\$1,681,509.00
Bay Construction Co.	\$1,197,290.28
Ray's Electric	\$902,210.00

Note: Bids were received by City Clerk on June 01, 2017.



# INTER OFFICE MEMORANDUM

**TO:** Philip Ho

**FROM:** Deborah Barnes, *S. Qarensburg for*  
Director, Contracts and Compliance

**SUBJECT: Compliance Analysis**  
Highway Safety Improvement Program Cycle  
(HSIP6) Grand Avenue Pedestrian Treatments  
Project No. 1001321

**DATE:** June 13, 2017

The City Administrator's Office, Contracts & Compliance, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 16.18% for this project.

Below are the results of our findings:

Responsive to DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE/SLBE/LPG	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Ray's Electric	\$902,210.00	17.70%	0.00%	70.54%	NA	NA	NA	NA	Y
Bay Construction	\$1,197,292.00	24.21%	0.00%	73.29%	NA	NA	NA	NA	Y

**Comments:** As noted above, Ray's Electric and Bay Construction exceeded the 16.18% DBE goal for this project. Both firms are EBO compliant.

Non Responsive to DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE/SLBE/LPG	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
W. Bradley Electric, Inc.	\$1,681,509.00	5.83%	0.00%	0.00%	NA	NA	NA	NA	Y

**Comments:** As noted above, W. Bradley Electric, Inc. failed to meet the 16.18% DBE goal for this project. The firm did not submit Good Faith Effort (GFE), therefore the firm is deemed non-compliant. The firm is EBO compliant.

**For Informational Purposes**

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

**Contractor Name:** Ray's Electric  
**Project Name:** New Traffic Signal at Bancroft & 94<sup>th</sup> Avenue  
**Project No.** C444110

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

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

**Comments:** The last completed project by Ray's Electric is a Caltrans project. The Local Employment and 15% Apprenticeship Program requirements are not applicable to Caltrans projects. Therefore, there is no LEP or 15% Apprenticeship data.

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



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** 1001321

**PROJECT NAME:** Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments

**CONTRACTOR:** Ray's Electric

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$744,838.00	\$902,210.00	-\$157,372.00

- |  |                      |
|--|----------------------|
| 1. Did the DBE Program apply?                      | <b><u>YES</u></b>    |
| 2. Did the contractor meet the DBE goal of 16.18%. | <b><u>YES</u></b>    |
| b) % of DBE participation                          | <b><u>17.70%</u></b> |
| c) % of LBE participation                          | <b><u>0.00%</u></b>  |
| d) % of SLBE participation                         | <b><u>69.74%</u></b> |
| e) % of VSLBE/LPG participation                    | <b><u>0.80%</u></b>  |

3. Was Good Faith Effort (GFE) Documentation submitted? **NA**

4. Additional Comments.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/13/2017**

**Reviewing Officer:** Usia J. J. [Signature]

**Date:** 6/13/2017

**Approved By:** Shelley Darenberg [Signature]

**Date:** 6/13/2017

## DBE Participation Bidder 1

Project Name: Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments

Project No.: 1001321		Engineer's Est. \$744,838.00								Certified Disadvantaged MBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPGV/SLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	UB		571,865.25		571,865.25		571,865.25	C		
Supply of T/S Equipment	Raper Electrical Dist. Comp	Sanger	CB					79,038.00	131,730.01	NA	131,730.01	
Trucking	All City Trucking	Oakland	CB		57,375.00		57,375.00	57,375.00	57,375.00	AI	57,375.00	
Striping	Striping Graphics	Cotati	UB						31,977.50	C		
Signage	Schotka	American Canyon	CB					7,700.00	7,700.00	C		7,700.00
Sawcutting	Bayline Cutting & Coring	San Francisco	CB					6,800.00	6,800.00	H	6,800.00	
Concrete	A1 Ready Mix	Hayward	UB						31,800.00	C		
Asphalt	Gallagher & Burk	Oakland	UB			7,200.00	7,200.00		7,200.00	C		
Survey	Construction Survey	Berkeley	CB					8,800.00	8,800.00	C		8,800.00
Supply of Trench	Park Pacific	Walnut Creek	UB						46,962.24	C		
<b>Project Totals</b>				\$0.00	\$629,240.25	\$7,200.00	\$636,440.25	\$159,713.00	\$902,210.00		\$195,905.01	\$16,500.00
				0.00%	69.74%	0.80%	70.54%	17.70%	100.00%		21.71%	1.83%
<b>Legend</b>										<b>Ethnicity</b>		
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		



**City Administrator's Office**  
**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** 1001321

**PROJECT NAME:** Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments

**CONTRACTOR:** Bay Construction

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$744,838.00	\$1,197,292.00	-\$452,454.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 16.18% **YES**

b) % of DBE participation **24.21%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **73.29%**

e) % of VSLBE/LPG participation **0.80%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NA**

4. Additional Comments.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/13/2017**

**Reviewing Officer:**

Villar Jamar

**Date:** 6/13/2017

**Approved By:** Shelley Darenburg

**Date:** 6/13/2017

## DBE Participation Bidder 2

Project Name: Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments

Project No.: 1001321		Engineer's Est. \$744,838.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
<b>PRIME</b> Electrical Trucking Striping	Bay Construction	Oakland	UB		873,496.00		873,496.00		873,496.00	AP	869,496.00	
	Electrical	Cirimele	CB					281,818.50	281,818.50	C		281,818.50
	Trucking	All City Trucking	CB		4,000.00		4,000.00	4,000.00	4,000.00	AI	4,000.00	
	Striping	Striping Graphics	Cotati	UB					31,977.50	31,977.50	NL	
SWPPP	Verux	Sacramento	UB						2,000.00	NL		
Sawcutting	Bayline Cutting & Coring	San Francisco	CB					4,000.00	4,000.00	H	4,000.00	
<b>Project Totals</b>				\$0.00	\$877,496.00	\$0.00	\$877,496.00	\$289,818.50	\$1,197,292.00		\$877,496.00	\$281,818.50
				0.00%	73.29%	0.00%	73.29%	24.21%	100.00%		73.29%	23.54%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												

**City Administrator's Office**  
**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR:**

Construction Services Disadvantaged Business Enterprise (DBE)

**PROJECT NO.:** 1001321

**PROJECT NAME:** Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments

**CONTRACTOR:** W. Bradley Electric, Inc.

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$744,838.00	\$1,681,509.00	-\$936,671.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 16.18% **NO**

b) % of DBE participation **5.83%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **0.00%**

e) % of VSLBE/LPG participation **0.00%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NO**

4. Additional Comments.

**The firm failed to meet the 16.18% DBE goal. There was no Good Faith Effort submitted, therefore the firm is deemed non-compliant.**

5. Date evaluation completed and returned to Contract **6/13/2017**

**Reviewing Officer:**

*Vivian J. ...*

**Date:** 6/13/2017

**Approved By:** *Shelley ...*

**Date:** 6/13/2017

## DBE Participation Bidder 3

Project Name: **Highway Safety Improvement Program Cycle 6 (HSIP6) Grand Avenue Pedestrian Treatments**

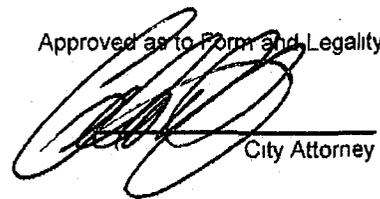
Project No.: 1001321		Engineer's Est.		\$744,838.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
<b>PRIME</b>	W. Bradley Electric, Inc.	Novato	UB						547,937.00	NL		
Backhoe Auger	Hicklin General Engineering	Chico	UB						3,600.00	NL		
Bore	Tight Access Excav.	Sebastopol	UB						9,800.00	NL		
Video Scan Sewer Lines	Subtronic Corp.	Martinez	UB						1,900.00	NL		
Striping	Bayside Striping & Seal	Petaluma	UB						32,875.00	NL		
Material	Sam's Equipment & Supply	Fresno	CB					80,670.60	134,451.00	NA	134,451.00	
Traffic Control	CMC Traffic Control Specialist	San Francisco	CB					17,300.00	17,300.00	C		17,300.00
Concrete	J. A. Gonsalves & Son Construction, Inc.	Napa	UB						933,646.00	NI		
<b>Project Totals</b>				\$0.00	\$0.00	\$0.00	\$0.00	\$97,970.60	\$1,681,509.00		\$134,451.00	#####
				0.00%	0.00%	0.00%	0.00%	5.83%	100.00%		8.00%	1.03%
									DBE Dollars	Total Dollars	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												

# ATTACHMENT D

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2014 OCT 16 AM 8:25

Approved as to Form and Legality

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. 85246 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE, TO ACCEPT AND APPROPRIATE ONE MILLION ONE HUNDRED EIGHTY NINE THOUSAND AND FIVE HUNDRED DOLLARS (\$1,189,500.00) IN HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 6 (HSIP-6) GRANT FUNDS FOR TRANSPORTATION SAFETY IMPROVEMENTS AT SELECTED LOCATIONS ALONG GRAND AVENUE FROM PARK VIEW TERRACE TO EUCLID AVENUE; AND MADISON STREET FROM 7<sup>TH</sup> STREET TO 9<sup>TH</sup> STREET, AND 8<sup>TH</sup> STREET FROM JACKSON STREET TO OAK STREET**

**WHEREAS**, the State of California Department of Transportation (Caltrans) disburses Federal Highway Safety Improvement Program Cycle 6 (HSIP-6) funds on a competitive basis to eligible jurisdictions for projects that improve roadway safety for vehicles, pedestrians and bicycles; and

**WHEREAS**, the City of Oakland, Transportation Services Division submitted proposals for grant funding for roadway safety improvements at selected corridors:

- Grand Avenue from Park View Terrace to Euclid Avenue
- Madison Street from 7<sup>th</sup> Street to 9<sup>th</sup> Street; including 8<sup>th</sup> Street from Jackson Street to Oak Street

**WHEREAS**, the City of Oakland Transportation Services Division was notified recently that its proposals were granted HSIP-6 grant funds in the amount of \$1,189,500.00; and

**WHEREAS**, the City of Oakland desires to accept and appropriate the \$1,189,500,800.00 in Federal Cycle 6 HSIP funds to Federal Highway Funds (2116), Oakland Public Works Department, Transportation Services Division Organization (30264), to address eligible traffic safety issues; and

**WHEREAS**, \$770,200.00 of said funding will be used to upgrade traffic signals; install pedestrian treatments such as ADA compliant curb ramps with warning domes, crosswalks and pavement markings at signalized intersections along Madison Street from 7<sup>th</sup> Street to 9<sup>th</sup> Street, including 8<sup>th</sup> Street from Jackson Street to Oak Street; and

**WHEREAS**, \$648,600.00 of said funding will be used to improve the uncontrolled crosswalks with raised medians, bulb-outs, signing and striping, including pedestrian signals along Grand Avenue between Park View Terrace and Euclid Avenue; and

**WHEREAS**, a local match of \$229,300.00 is required as a condition of the grant and said local total matching funds will be provided by Measure B Fund, 2211, Project C370010; and

**WHEREAS**, the Oakland Public Works Department requests a waiver of the 1.5% public art fee for this project because HSIP guidelines restrict funding uses to traffic safety improvements and prohibit the use of grant funds for public art; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes acceptance and appropriation of the Federal Cycle 6 Highway Safety Improvement Program funds in the total amount of \$1,189,500.00 for the aforementioned eligible traffic safety improvements; and be it

**FURTHER RESOLVED:** That these grant funds will be deposited and appropriated to Federal Highway Funds (2116), Transportation Services Division Organization (30264) in a project number to be established; and be it

**FURTHER RESOLVED:** That for this project the 1.5% public art fee is waived because HSIP guidelines prohibit the use of grant funds for public art; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests, and related actions, as well as to appropriate any additional grant funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 05 2014

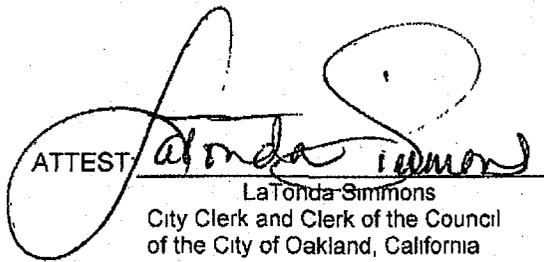
**PASSED THE FOLLOWING VOICE**

AYES – KALB, GIBSON McELHANEY, SCHAAF, GALLO, BROOKS, ~~REID~~, KAPLAN, AND PRESIDENT KERNIGHAN - 7

NOES – Ø

ABSENT – Reid - 1

ABSTENTION – Ø

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

# ATTACHMENT E

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

Project Number/Title:	C427920 Fruitvale Ave Controller Upgrade
Work Order Number (if applicable):	Task Order No. 2
Contractor:	Ray's Electric
Date of Notice to Proceed:	7/25/14
Date of Notice of Completion:	10/23/14
Date of Notice of Final Completion:	10/23/14
Contract Amount:	\$203,531.00
Evaluator Name and Title:	Alan Chiang, Civil Engineer

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

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

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

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

#### ASSESSMENT GUIDELINES:

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

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.	<input type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.	<input type="checkbox"/>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<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 checked="" 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> 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 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

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

## OVERALL RATING

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

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>0.50</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.50</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>0.30</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): 2.0

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.

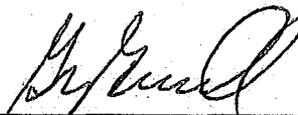
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

 12/16/14  
Contractor / Date

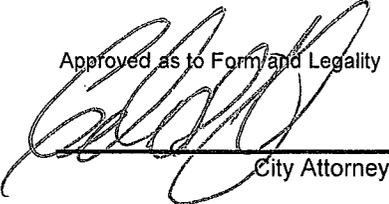
 12/13/14  
Resident Engineer / Date

 11/13/14  
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.

2017 JUN 28 PM 3:50 OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 6 (HSIP6): GRAND AVENUE PEDESTRIAN TREATMENTS, PROJECT NO. 1001321, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF NINE HUNDRED TWO THOUSAND TWO HUNDRED AND TEN DOLLARS (\$902,210.00)**

**WHEREAS**, on June 1, 2017, three bids were received by the Office of the City Clerk for the construction of HSIP6 Grand Avenue Pedestrian Treatments (Project No. 1001321); and

**WHEREAS**, Ray's Electric is deemed the lowest, responsible, responsive bidder for the HSIP6 Grand Avenue Pedestrian Treatments (Project No. 1001321); and the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 16.18% participation requirements; and

**WHEREAS**, the HSIP6 grant for the Grand Avenue Project includes funds earmarked for construction contract and separately for construction engineering; and the grant requires a local match as a condition of the grant; and

**WHEREAS**, there is sufficient fund in the project budget for construction work; and

- Highway Safety Improvement Program Cycle 6 (HSIP6), Federal grant \$532,555.00, State of California, Department of Transportation, Project 1001321, Department of Transportation, Organization 92246, Fund 2116, Expense 57412, Task 8.0, Award 21979, Traffic and Pedestrian Safety Program NB33;
- Measure B Local Match \$369,655.00, Project 1001321, Department of Transportation, Organization 92246, Fund 2211, Expense 57412, Task 8.0, Award 21980, Traffic and Pedestrian Safety Program NB33;

**WHEREAS**, the engineer's estimate for the work is \$744,838.00; and

**WHEREAS**, the City Council finds that 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 Administrator has determined that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore be it

**RESOLVED:** That the contract for the construction of HSIP6 Grand Avenue Pedestrian Treatments Project is hereby awarded to Ray's Electric, the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of nine hundred two thousand two hundred and ten dollars (\$902,210.00); and be it

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

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

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

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality 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