



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 SEP 15 10:31 AM  
**AGENDA REPORT**

**TO:** Sabrina B. Landreth  
CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** Caldecott Settlement Agreement  
Projects 5 and 6

**DATE:** August 6, 2015

City Administrator  
Approval

Date:

8/31/15

**COUNCIL DISTRICT: 1**

### **RECOMMENDATION**

Staff recommends that City Council adopt:

Resolution Authorizing The City Administrator To Execute A Construction Contract With Ray's Electric, The Lowest Responsible, Responsive Bidder, For Caldecott Tunnel Area Improvements Projects 5 And 6 (City Project No. C369560), In Accordance With Project Plans, Specifications, State Requirements And With Contractor's Bid In The Amount Of Three Hundred Fifteen Thousand Six Hundred And Thirty-Two Dollars (\$315,632.00).

### **OUTCOME**

Approval of this resolution will result in improved pedestrian and bicyclist access and safety by the construction of bike lanes, pedestrian crossings, a rectangular rapid flashing beacon for safer pedestrian crossings, and sidewalk installation along Upper Broadway from Golden Gate Avenue to Kay Overcrossing.

### **BACKGROUND/LEGISLATIVE HISTORY**

The Caldecott 4<sup>th</sup> Bore Settlement Agreement provided \$8 million in funding for pedestrian and bicycle projects that were prioritized through a lengthy community process. Projects that provide continuity and connectivity to pedestrians and bicycles on both sides of Highway 24, near the Caldecott Tunnel are especially high in priority. Projects 5 and 6 are contiguous to projects 9 and 14 that are about to break ground this fall, just to the south on Broadway between Golden Gate Avenue and Keith Avenue. This project will build the City's first cycletrack, a bicycle path separated from vehicular traffic, namely the on and off ramps of Highway 24 at Broadway.

Early next year, another project from Keith Avenue south to Broadway Terrace/College Avenue will be under construction, providing pedestrian crossing improvements and a continuous bikeway to the bike lanes that were installed through a resurfacing project in 2014. There are other projects, some of which are going through Caltrans approval phase, that are nearing design phase completion. Some of them are expected to be in bid award phase June 30, 2016.

Item: \_\_\_\_\_  
Public Works Committee  
September 15, 2015

The proposed construction consists of the installation of a bicycle lane, pedestrian crossings, a rectangular rapid flashing beacon, sidewalk; and other related work indicated on the plans and specifications.

This project is funded through the Caldecott 4<sup>th</sup> Bore Settlement funds. Construction work is anticipated to begin in November 2015 and should be completed by February 2016, weather permitting.

**ANALYSIS**

On May 28, 2015 the City Clerk received two bids for the project in the amount of:

- \$244,835 (base bid) from Beliveau Engineering Contractors, Inc.
- \$315,632 (base bid) from Ray’s Electric

Beliveau Engineering’s Bid of \$244,835 was deemed non- responsive because its mobilization bid exceeded 5% of the bid price, a stipulated requirement in the bid documents.

For the lowest responsive bidder Ray’s Electric Inc. the Small Local Business Enterprise (SLBE) participation is 82.02% and the Local Business Enterprise (LBE) is 3.01% bringing the total LBE/SLBE participation to 85.03% which exceeds the City’s 50% L/SLBE requirement. The contractor also has local business participation of 100% for trucking, which exceeds the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires on the project (on a craft-by-craft basis) are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in ***Attachment B***.

**PUBLIC OUTREACH/INTEREST**

The Caldecott Projects, including projects 5 and 6, have gone through an extensive public outreach process. Overall there has been 7 meetings held with the various community groups, and appointed commissions. Below is a table with a list of the meetings held for this project.

Meeting No.	Date	Meeting Description
1	November 8 <sup>th</sup> 2010	Community Presentation on the entire Caldecott Settlement Project List
2	March 22 <sup>nd</sup> 2012	Project Presentation to the North Oakland Hills Community Association
3	March 26 <sup>th</sup> 2012	Community Update on the entire Caldecott Settlement Project List
4	January 16 <sup>th</sup> 2013	Project Presentation to the Mayor’s Commission on Persons with Disabilities
5	June 17 <sup>th</sup> 2013	Follow-up Presentation to the Mayor’s Commission on Persons with Disabilities

6	October 17 <sup>th</sup> 2013	Community Update on the entire Caldecott Settlement Project List
7	November 20 <sup>th</sup> 2013	Project Presentation to the Oakland Bicyclist and Pedestrian Advisory Commission

**COORDINATION**

The work to be done under this contract was coordinated with:

- Oakland Public Works, Bureau of Engineering and Construction
- Oakland Public Works, Bureau of Infrastructure and Operations
- Utility Companies
- In addition, the following offices reviewed this report and resolution:
  - ◆ Office of the City Attorney
  - ◆ City Controller’s Bureau

**COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator to execute the construction contract for City Project C369560 in the amount of \$315,632.00

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Final Construction Contract: \$315,632.00

2. SOURCE OF FUNDING:

Caldecott Settlement Funds (2140); Transportation Services Organization (92246); Street Construction Account (57411); Broadway Keith to Golden Gate Way Bike Pedestrian Project (C369560); \$315,632.00;

3. FISCAL IMPACT:

This project will rehabilitate and reconstruct sidewalk along Broadway between Golden Gate Avenue and the Kay Overcrossing, and install new roadway striping, which will reduce the short-term maintenance demand within the project area.

**FISCAL/POLICY ALIGNMENT**

The project elements are consistent with the City of Oakland’s 2002 Pedestrian Master Plan policy recommendations of increasing pedestrian safety, providing pedestrian access, and providing pedestrian amenities that enhance public spaces. The project will also implement the proposed bike lanes along Broadway in the City of Oakland’s 2007 Bicycle Master Plan. Overall, the project will implement “Complete Streets” design standards in accordance with City Ordinance number 13153.

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

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

## **SUSTAINABLE OPPORTUNITIES**

*Economic:* This project will enhance, protect, and improve roadway conditions for pedestrians, and bicyclists. It will also create job opportunities for local work force and contractors. Complete streets concept used in the project design meets all modes of transportation requirements; it reflects well on the community, improves livability and indirectly improves the business climate.

*Environmental:* Streets are reconfigured and improved to better serve pedestrian and bicycle modes of transportation encouraging the public to rely less on automobiles, thereby improving regional air quality.

*Social Equity:* This project will significantly help preserve the City's infrastructure, enhance pedestrian and bicyclist access and protect the public from hazardous conditions.

For questions regarding this report, please contact Wladimir Wlassowsky, P.E., Transportation Services Division Manager at (510) 238-6383.

Respectfully submitted,



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BROOKE A. LEVIN  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
OPW, Bureau of Engineering and Construction

Reviewed by:  
Wladimir Wlassowsky, P.E., Transportation Services Manager  
Transportation Services Division

Prepared by:  
Ade Oluwasogo, P.E., Supervising Transportation Engineer  
Transportation Services Division

Attachments (4):

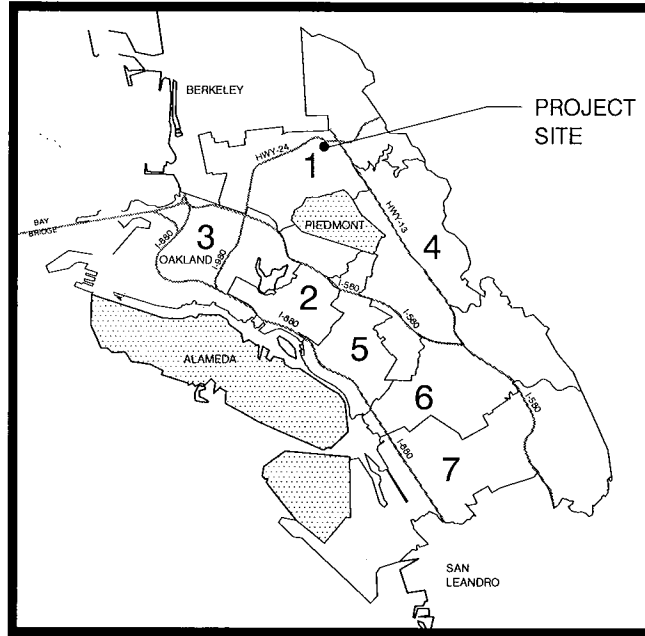
- Attachment A - Location Map
- Attachment B - Canvas of Bids
- Attachment C - Contracts & Compliance Analysis Report
- Attachment D - Contractor Performance Evaluation

# ATTACHMENT A

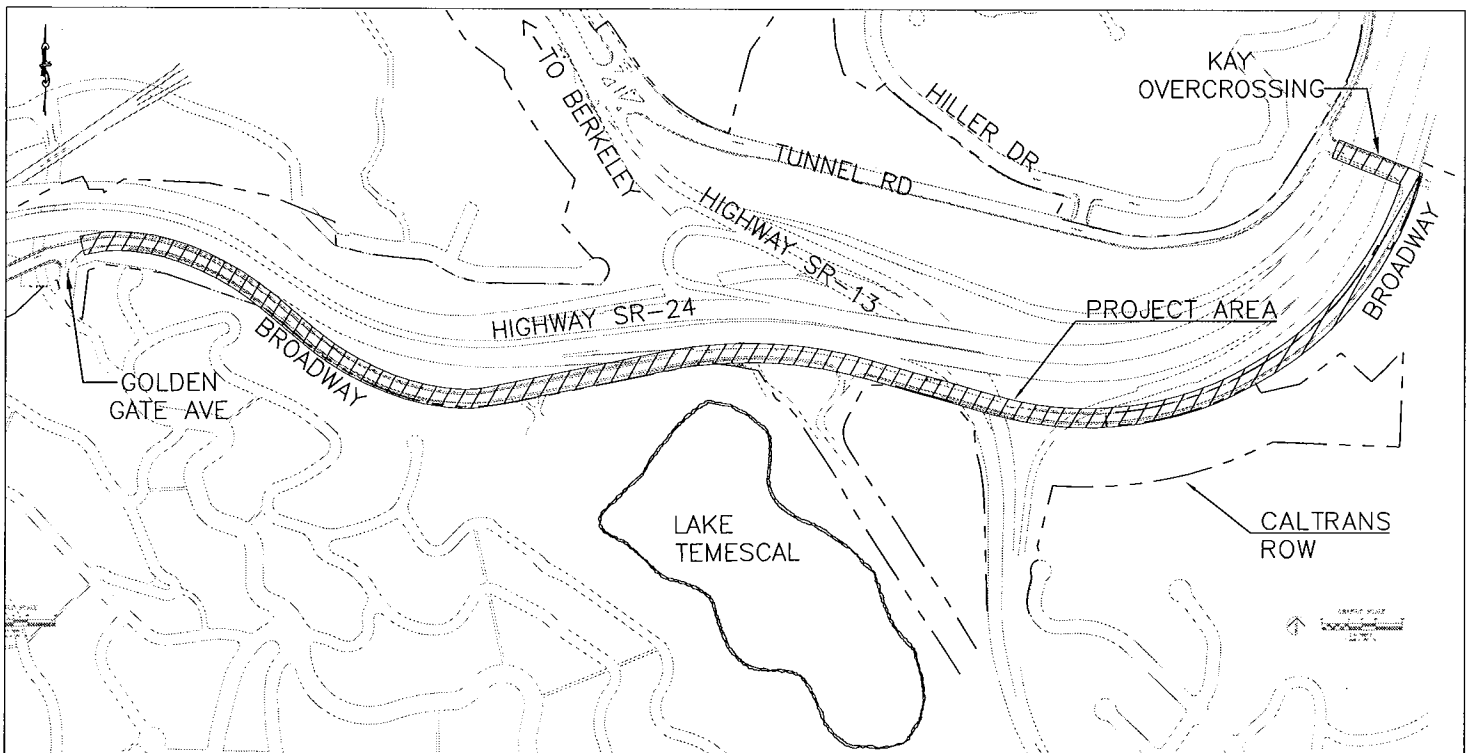
## LOCATION MAP

### CALDECOTT TUNNEL AREA IMPROVEMENTS PROJECTS 5 AND 6

CITY PROJECT NO. C369560



CITY OF OAKLAND COUNCIL DISTRICT MAP



### BICYCLE AND PEDESTRIAN FACILITY IMPROVEMENTS

### ON BROADWAY BETWEEN GOLDEN GATE AVENUE AND KAY OVERCROSSING

# Attachment B C369560 Canvas of Bids

**PROJECT NAME:** Caldecott Tunnel Area Improvements Projects 5 & 6  
**PROJECT NO:** C369560  
**BID DATE:** May 28, 2015  
**ENGINEER'S ESTIMATE:** \$391,361.00  
**BASIS OF AWARD:** Base Bid  
**PROJECT MANAGER:** Philip Ho  
**COMPLIANCE OFFICER:** Vivian Inman  
**APPARENT LOW BIDDER (prior to Bid Discounts per L/SLBE program):** Beliveau Engineering Contractors, Inc.  
**ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS:** Thursday, May 28, 2015

**COMMENTS:** 1) The designation of the 'apparent low bidder' made in this Bid Summary does not incorporate 'bid discounts', if any. The Office of Contract Compliance will determine any bid discounts in their forthcoming compliance analysis.

Documents Required With Bid	BELIVEAU ENGINEERING CONTRACTORS, INC.	RAY'S ELECTRIC
Contractor's Bid Form and Bid Schedule	Y	Y
Correct Prime Contractor License Type and Active per CSLB?	Y	Y
Subcontractor Licenses Listed and Active per CSLB?	Y	Y
Prime & Subcontractor Registered with DIR?	Y	Y
Addendum acknowledgement	NA	NA
Bid Bond	Y	Y
Schedule O - Campaign Contribution Limits	Y	Y
Schedule R - Subcontractor, Supplier, Trucker Listing	Y	Y
If Trucking is required, was one listed?	Y	Y

Engineer's Estimate							BELIVEAU ENGINEERING CONTRACTORS, INC.		RAY'S ELECTRIC	
Item Number	Spec. Section	Quantity	Unit of Measure	Item Description	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	9-3.4	1	LS	Mobilization	18,000.00	18,000.00	15,000.00	15,000.00	13,000.00	13,000.00
2	7-8.6.15	1	LS	Water Pollution Control and Storm Water Pollution Prevention Plan (SWPPP)	15,000.00	15,000.00	5,000.00	5,000.00	7,500.00	7,500.00
3	7-10	1	LS	Temporary Traffic Control	10,000.00	10,000.00	15,000.00	15,000.00	84,000.00	84,000.00
4	7-12	2	EA	Project Information Signs	1,000.00	2,000.00	1,000.00	2,000.00	1,000.00	2,000.00
5	300-1.4	1	LS	Clearing and Grubbing	55,000.00	55,000.00	15,000.00	15,000.00	71,000.00	71,000.00
6	300-1.4	1	LS	Removal of Traffic Striping, Pavement Markings and Pavement Markers	28,000.00	28,000.00	15,000.00	15,000.00	7,000.00	7,000.00
7	303-5.1.1	425	SF	Pathway Grade Adjustment	25.00	10,625.00	30.00	12,750.00	25.00	10,625.00
8	303-5.9	2,776	SF	4" Thick Concrete Sidewalk	25.00	69,400.00	15.00	41,640.00	12.00	33,312.00
9	303-5.9	524	SF	6" Thick Concrete Driveway	28.00	14,672.00	20.00	10,480.00	17.00	8,908.00
10	303-5.9	51	CY	Class II Aggregate Base	100.00	5,100.00	200.00	10,200.00	60.00	3,060.00
11	303-5.9	2	EA	Caltrans Standard Curb Ramp (Case C)	2,500.00	5,000.00	2,500.00	5,000.00	4,500.00	9,000.00
12	303-5.9	44	SY	AC Pavement Repair/Rehab	500.00	22,000.00	150.00	6,600.00	180.00	7,920.00
13	304-5	10	EA	Traffic Signs (W11-2, W16-9P, W16-7P, R1-5)	350.00	3,500.00	300.00	3,000.00	150.00	1,500.00
14	304-5	4	EA	Sign Post	500.00	2,000.00	750.00	3,000.00	250.00	1,000.00
15	307-10	2	EA	Caltrans Type 15TS Standard and Foundation	5,000.00	10,000.00	6,500.00	13,000.00	7,500.00	15,000.00
16	307-24	2	EA	Rectangular Rapid Flashing Beacon (Solar)	8,000.00	16,000.00	15,000.00	30,000.00	10,000.00	20,000.00
17	310-6.4	23,500	LF	Thermoplastic Traffic Striping & Reflective Markers	4.00	94,000.00	1.50	35,250.00	0.65	15,275.00
18	310-7.2	1,383	SF	Thermoplastic Pavement Marking	8.00	11,064.00	5.00	6,915.00	4.00	5,532.00
<b>Total of Base Bid Items per spreadsheet calculation</b>						<b>391,361.00</b>		<b>244,835.00</b>		<b>315,632.00</b>
<b>Total of Base Bid Items per contractor calculation</b>							<b>244,835.00</b>		<b>315,632.00</b>	

**Bid Alternate 1:**

	7-3	1	LS	ADD Cost of Commercial Liability Insurance Coverage	Lump Sum	-		3,000.00		1,200.00
	7-3	1	LS	ADD Cost of Worker's Compensation Insurance Coverage	Lump Sum	-		2,800.00		3,448.00
	7-3	1	LS	ADD Cost of Excess Liability or Umbrella Insurance Coverage	Lump Sum	-		2,800.00		66.00
<b>Total of Base Bid Items</b>						<b>-</b>		<b>8,600.00</b>		<b>4,714.00</b>
<b>% Self - Performed (applies to engineering projects only)</b>								<b>73%</b>		<b>90%</b>
<b>% Over / Under Engineer's Estimate</b>								<b>-37%</b>		<b>-19%</b>



# INTER OFFICE MEMORANDUM

**TO:** Mohamed Alaoui, Assistant  
Transportation Engineer

**FROM:** Deborah Barnes, Manager  
Contracts and Compliance

**SUBJECT:** Compliance Analysis  
Caldecott Area Tunnel Improvement  
Project No. C369560

**DATE:** August 4, 2015

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project. Also included is a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Below are the results of our findings:

Responsive 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 Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Beliveau Engineering Contractors	\$244,835	73.37%	0%	73.37%	0%	100%	73.37%	4%	\$235,041.60	Y
Ray's Electric	\$315,632	85.03%	0%	82.02%	3.01%	100%	85.03%	5%	\$299,850.40	Y

**Comments:** As noted above, Ray's Electric exceeded the minimum 50% L/SLBE participation requirement. The firm is EBO compliant.

Beliveau Engineering was deemed non-responsive by the initiating agency. The firm's mobilization fees exceeded 5% of the bid price. However, the firm is in compliance with the L/SLBE requirement.

\* Ray's Electric's /LPG's participation and preference points are double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Ray's Electric is 6.02%.





**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:** Dunsmuir Estate Park Trenchless Bore & Electrical Repair  
**Project:** C469510-601M  
**Date:** 8/4/2015

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

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

**15% Oakland Apprenticeship Program**

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

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

		50% Local Employment Program (LEP)							15% Apprenticeship Program			
Total Project Hours	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
601.5	0	50%	301	50%	301	0	0	100%	90	15%	90	0

**Comments:** Ray's Electric met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program.

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

# Attachment C

## CITY ADMINISTRATOR'S OFFICE

### Contracts and Compliance Unit



**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. **C369560**

RE: **Caldecott Tunnel Area Improvement**

**CONTRACTOR:** Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u>
\$391,361.00	\$315,632.00	<u>Engineer's Estimate</u> (\$75,729.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$299,850.40	\$15,781.60	5.00%
1. Did the 50% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 50% requirement?		<b><u>YES</u></b>
a) % of LBE participation	<b><u>0.00%</u></b>	
b) % of SLBE participation	<b><u>82.02%</u></b>	
c) % of VSLBE/LPG participation	<b><u>3.01%</u></b>	(Double counted percentage is 6.02%)
3. Did the contractor meet the L/SLBE Trucking requirement?		<b><u>YES</u></b>
a) Total L/SLBE trucking participation	<b><u>100.00%</u></b>	
a) Total VSLBE trucking participation	<b><u>0.00%</u></b>	
4. Did the contractor receive bid discount points?		<b><u>YES</u></b>
(If yes, list the points received)	<b><u>5%</u></b>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

8/4/2015

Date

**Reviewing Officer:**

*Vinica Kumar*

**Date:** 8/4/2015

**Approved By:**

*Shelley Qarenaburg*

**Date:** 8/4/2015

## LBE/SLBE Participation Bidder 2

<b>Project Name:</b>		<b>Caldecott Tunnel Area Improvements</b>											
<b>Project No.:</b>		C369560		<b>Engineer's Estimate</b>			\$391,361.00	<b>Under/Over Engineers Estimate:</b>			-75,729.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total	L/S/VSLBE	Total	TOTAL	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars			
PRIME	Ray's Electric	Oakland	CB		258,875.00					258,874.75	C		
Striping & Signage	Chrisp Company	Fremont	UB							31,957.25	C		
Trucking	UJ Trucking	Oakland	CB			6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	H	6,000.00	
Flashing Systems	Tapco/Statewide Traffic	Fairfield	UB							5,300.00	C		
Concrete Supplies	Central Concrete	San Jose	UB							10,000.00	C		
HMA Supplier	Gallagher & Burk	Oakland	CB			3,500.00	3,500.00			3,500.00	C		
<b>Project Totals</b>				\$0.00	\$258,875.00	\$9,500.00	\$9,500.00	\$5,000.00	\$5,000.00	\$315,632.00		\$6,000.00	\$0.00
				0.00%	82.02%	3.01%	85.03%	100.00%	100.00%	100.00%		1.90%	0.00%
<b>Requirements:</b>				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b>			
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.										AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>													
LBE = Local Business Enterprise				UB = Uncertified Business									
SLBE = Small Local Business Enterprise				CB = Certified Business									
VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise									
LPG = Locally Produced Goods				WBE = Women Business Enterprise									
Total LBE/SLBE = All Certified Local and Small Local Businesses													
NPLBE = NonProfit Local Business Enterprise													
NPSLBE = NonProfit Small Local Business Enterprise													

\* Proposed VSLBE/LPG participation is valued at 3.01%, 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

Attachment C

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C369560

RE: Caldecott Tunnel Area Improvement

CONTRACTOR: Beliveau Engineering Contr. Inc.

<u>Engineer's Estimate:</u> \$391,361.00	<u>Contractors' Bid Amount</u> \$244,835.00	<u>Over/Under Engineer's Estimate</u> (\$146,526.00)
<u>Discounted Bid Amount:</u> \$235,041.60	<u>Amt. of Bid Discount</u> \$9,793.40	<u>Discount Points:</u> 4.00%

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **73.37%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100.00%**  
a) Total VSLBE trucking participation **0.00%**

- 4. Did the contractor receive bid discount points? **YES**  
(If yes, list the points received) **4%**

5. Additional Comments.  
**Per the issuing agency, Beliveau Engineering Contr. Inc. is not responsive. The firm's mobilization fee exceeded 5% of the bid amount. Per Section 9-3.4 of the project specifications, mobilization can not exceed 5% of the total bid amount.**

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

8/4/2015

Date

Reviewing Officer:

Vinod Kumar

Date: 8/4/2015

Approved By:

Shelley Qarensburg

Date: 8/4/2015

## LBE/SLBE Participation Bidder 1

<b>Project Name:</b>		<b>Caldecott Tunnel Area Improvements</b>													
<b>Project No.:</b>		<b>C389560</b>		<b>Engineer's Estimate</b>			\$39,361.00			<b>Under/Over Engineers Estimate:</b>			-146,526.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total	L/S/SLBE	Total	TOTAL					
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE		
PRIME Trucking Striping Electrical	Beliveau Engineering Contr. Inc.	Oakland	CB		174,630.00		174,630.00			174,630.00	C				
	All City Trucking	Oakland	CB		5,000.00		5,000.00	5,000.00	5,000.00	5,000.00	AI	\$5,000.00			
	Striping Graphics	Cotati	UB							26,765.00	C				
	St. Francis Electric	San Leandro	UB							38,440.00	C				
<b>Project Totals</b>				\$0.00 0.00%	\$179,630.00 73.37%	\$0.00 0.00%	\$179,630.00 73.37%	\$5,000.00 100.00%	\$5,000.00 100.00%	\$244,835.00 100.00%		\$5,000.00 2.04%	\$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 and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed					
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

**Attachment D**

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

Project Number/Title: G375710  
Work Order Number (if applicable): NA  
Contractor: Ray's Electric  
Date of Notice to Proceed: October 06, 2009  
Date of Notice of Completion: April 30, 2013  
Date of Notice of Final Completion: November 24, 14 (3 Year Plant Establishment)  
Contract Amount: \$2,967,988.35  
Evaluator Name and Title: Julius M. Kale, Jr. 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.

## Attachment D

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
<b>WORK PERFORMANCE</b>						
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<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"/>	<b>X</b>	<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"/>	<b>X</b>	<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 <b>X</b>
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"/>	<b>X</b>	<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 <b>X</b>
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"/>	<b>X</b>	<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"/>	<b>X</b>	<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 <b>X</b>	3 <input type="checkbox"/>	

## Attachment D

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
<b>TIMELINESS</b>						
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.	<input type="checkbox"/>		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 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.	<input type="checkbox"/>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<input type="checkbox"/>



## Attachment D

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
<b>FINANCIAL</b>						
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"/>	

## Attachment D

### 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      2   X 0.25 =   0.5
2. Enter Overall score from Question 13      2   X 0.25 =   0.5
3. Enter Overall score from Question 18      2   X 0.20 =   0.4
4. Enter Overall score from Question 22      2   X 0.15 =   0.3
5. Enter Overall score from Question 28      2   X 0.15 =   0.3

**TOTAL SCORE** (Sum of 1 through 5):   2  

**OVERALL RATING:**   2  

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

### PROCEDURE:

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

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

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

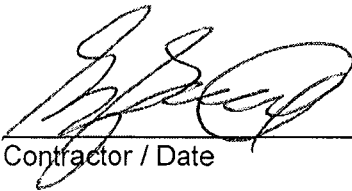
**Attachment D**

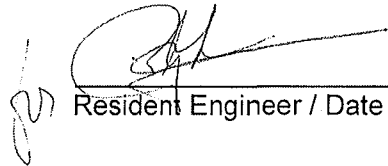
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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.*

 12/17/14  
Contractor / Date

 12/15/14  
Resident Engineer / Date

 12/15/14  
Supervising Civil Engineer / Date

**Attachment D**

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL



City Attorney

2015 AUG 32 PM 3:44 RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, FOR CALDECOTT TUNNEL AREA IMPROVEMENTS PROJECTS 5 AND 6 (CITY PROJECT NO. C369560), IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED FIFTEEN THOUSAND SIX HUNDRED AND THIRTY-TWO DOLLARS (\$315,632.00)**

**WHEREAS**, on May 28, 2015, two (2) bids on the project were received in the amount of \$244,835.00, and \$315,632.00 from Beliveau Engineering Contractors, Inc., and Ray's Electric respectively, in response to the Notice To Bidders for the construction of Caldecott Tunnel Area Improvements Projects 5 and 6; and

**WHEREAS**, Ray's Electric submitted the lowest responsible and responsive bid; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for the construction contract work will be available in project account:

- Caldecott Settlement Funds (2140); Transportation Services Organization (92246); Street Construction Account (57411); Caldecott Tunnel Area Improvements Project 5 and 6 (C369560); \$315,632.00; and

**WHEREAS**, the engineer's estimate for the work is \$391,361.00; 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 Caldecott Tunnel Area Improvements Projects 5 and 6, Project No. C369560, is hereby awarded to Ray's Electric in accordance with the project plans, specifications, state requirements and with contractor's bid in the amount of Three Hundred Fifteen Thousand Six Hundred and Thirty-Two Dollars (\$315,632.00); 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 or designee 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, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and to execute any amendments or modifications 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 place on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2015

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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