

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 APR 29 PM 12: 56

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin

SUBJECT: Tassafaronga Recreation Center
Interior Remodel

DATE: April 1, 2015

City Administrator
Approval

Date:

4/27/15

COUNCIL DISTRICT: 7

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution To Award A Construction Contract To Bay Construction Co., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Tassafaronga Recreation Center Interior Remodel (Project No. C464610) And With Contractor's Bid In The Amount Of Four Hundred Twenty Three Thousand Dollars (\$423,000.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Bay Construction Co. in the amount of \$423,000.00 for Tassafaronga Recreation Center Interior Remodel (Project No. C464610). The work is located in Council District 7 as shown in *Attachment A: Location Map*.

BACKGROUND/LEGISLATIVE HISTORY

Tassafaronga Recreation Center, located at 975 85th Avenue, is operated by the Oakland Parks and Recreation Department (OPR). OPR facilitates "After School" programs for students, including the New Highland Elementary School, Raising Individual Student Excellence (RISE) Academy, EnCompass Academy, and Acorn/Woodland School. The after school programs include student homework assistance, cooking class, gardening, sports, karate, science projects, art and dance, and healthy snacks at no cost to the participants. One of the recreation center halls is occupied by the Oakland Head Start Program, administered and sponsored by the Department of Human Services (DHS).

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Tassafaronga Recreation Center was built in 1968 and includes the recreation center and a separate gymnasium building, as well as exterior playground areas and basketball courts. The recreation center building is a 7,400 square-foot single story wood frame structure on slab-on-grade foundation. The exterior walls are masonry and wood panels. Within the past 15 years, data wiring, a security system, and a central phone system were added. No major renovations have been conducted on the building.

Recreation center interior renovation is necessary to replace aged and deteriorated interior finishes and to carry out other deferred maintenance work items. The project scope consists of repairing concrete slab-on-grade, installing new flooring, refinishing existing wood cabinets and wainscot/wall panels, and upgrading kitchen countertops and backsplashes. The existing men's and women's restrooms will be reconstructed to comply with accessibility requirements. Finally, the interior walls of the recreation center will be repainted. The construction is anticipated to start in the summer of 2015 and complete by end of the year.

Project funds are available from the following:

- The City Council adopted Resolution No. 83754 C.M.S. on March 20, 2012, which accepted and appropriated Housing Related Parks (HRP) Program grant funds from the California Department of Housing and Community Development (HCD) in an amount not to exceed \$600,000 for Tassafaronga rehabilitation project.
- The City Council also adopted Resolution 84344 C.M.S. on May 7, 2013, which accepted and appropriated \$109,000 of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds to Tassafaronga Recreation Center Renovation for fiscal year (FY) 2013-2015.

ANALYSIS

On March 12, 2015, the City Clerk received five bids for this project as shown below:

Tassafaronga Bids Received:

Company	Bid Amount
Bay Construction Co.	\$423,000.00
Wickman Development and Construction	\$435,000.00
Rockridge Builders	\$441,993.00
Engineer's Estimate	\$453,500.00
B-Side, Inc.	\$534,755.00
Strawn Construction, Inc.	\$541,097.00

The City Administrator's Office, Contracts and Compliance Unit established that all five bidders are responsive as shown on **Attachment B: Compliance Analysis**, dated April 1, 2015. As determined by the Compliance Analysis, Bay Construction Co. is deemed the lowest responsive and responsible bidder.

Under the proposed contract with Bay Construction Co., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 72.75% which exceeds the City's 50% LBE/SLBE requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division as shown in the attachment.

The bids are in the range of Engineer's Estimate. The staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction market.

PUBLIC OUTREACH/INTEREST

Public outreach for the Tassafaronga Recreation Center Interior Remodel Project has been coordinated through announcements at the facility by OPR. Public feedback to OPR has been positive and supportive of the project. OPR will continue to communicate with the public regarding facility closure and temporary relocation of programs before construction proceeds.

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COORDINATION

This project report has been coordinated with OPR, DHS, and the Contracts and Compliance Unit. In addition, the Office of the City Attorney and the Controller’s Bureau have reviewed this report and resolution.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

PROJECT	AMOUNT
Tassafaronga Recreation Center Interior Remodel Project (Project No. C464610)	\$423,000.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$423,000.00
3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
HCD Fund (2144); Project Management Capital Projects Organization (92270); Capital Improvement (CI) – Buildings Additions & Improvements Account (57212); Project C464610	\$ 348,120.00
HUD – CDBG Fund (2108); Tassafaronga Recreation Center Organization (509236); CI – Buildings Additions & Improvements Account (57212); Project G469755	\$ 74,880.00
TOTAL FUNDS	\$ 423,000.00

4. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute a construction contract in the amount of \$423,000.00.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Bay Construction Co. is a SLBE certified contractor that has worked with the City of Oakland on a number of projects. The company has completed one project already this year, three in the past year, and currently working on two other projects. Bay Construction Co.’s Contractor Performance Evaluations are satisfactory. Refer to *Attachment C*.

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SUSTAINABLE OPPORTUNITIES

Economic: The contractors are all 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% of the work hours performed by Oakland residents and 15% are to be Oakland apprentices, which will result in dollars being spent locally. Furthermore, the improved recreation center will be a valued asset to the City.

Environmental: The contractor is required to abate asbestos containing vinyl tiles and mastic on the interior flooring per Division of Occupational Safety and Health (Cal/OSHA) and the Environmental Protection Agency (EPA) requirements. The contractor is also required to meet the City's construction debris/waste recycle program and re-use building materials to the extent practicable per the project plans and specifications.

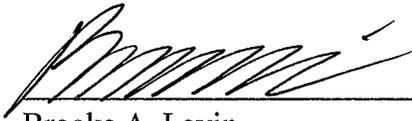
Social Equity: The restoration will enhance the public's experience of and appreciation for the Oakland recreation center and valuable social programs being implemented there.

CEQA

The project is exempt from environmental review as the work is limited to improvements to an existing facility.

For questions regarding this report, please contact David Lau, P.E., Project Delivery Division Manager at (510) 238-7131.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

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

Reviewed by:
David Lau, Project Delivery Division Manager

Prepared by:
WooJae Kim, CIP Coordinator
Project Delivery Division

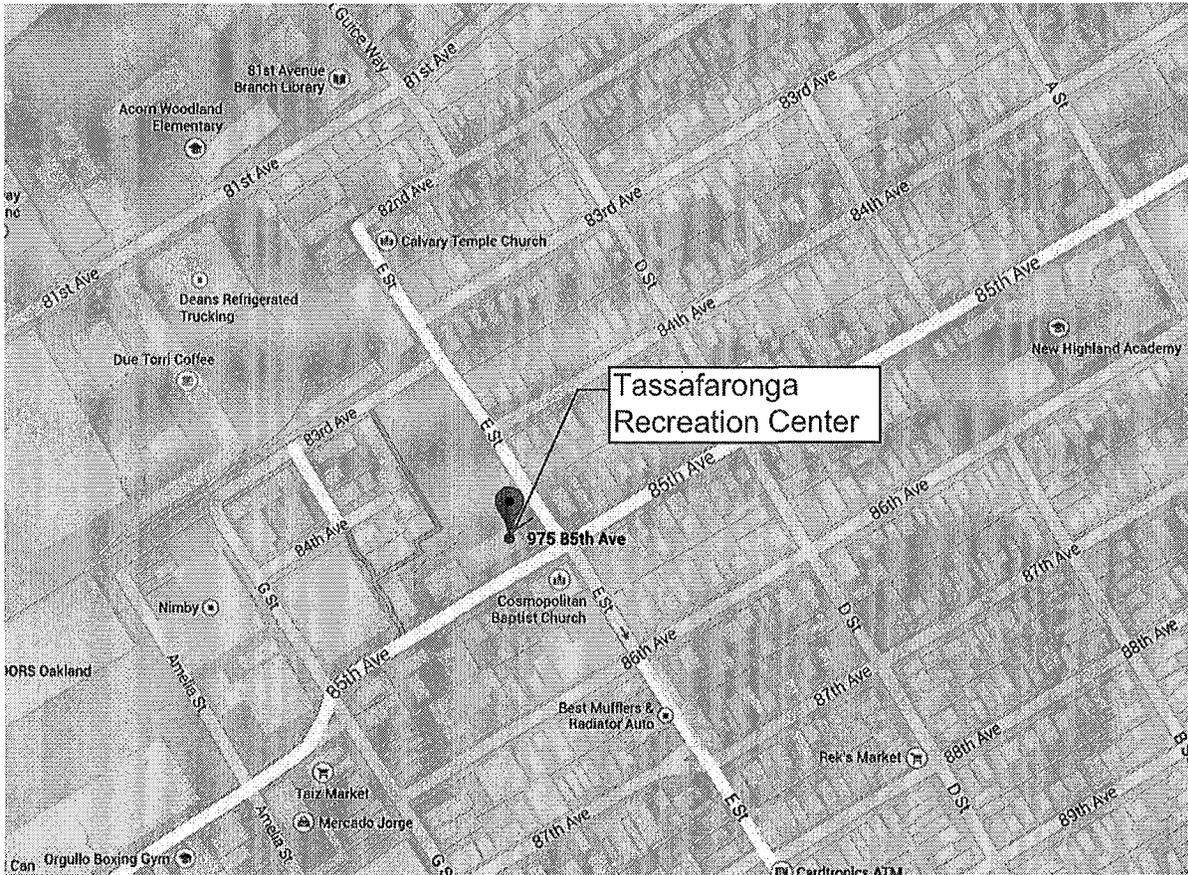
Attachments (3)

Attachment A: Project Location Map

Attachment B: Compliance Analysis (dated April 1, 2015)

Attachment C: Contractor Performance Evaluations for Work Order Numbers S467610 and C423710

ATTACHMENT A: LOCATION MAP





INTER OFFICE MEMORANDUM

TO: WooJae Kim,
CIP Coordinator

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

SUBJECT: Compliance Analysis
Tassafaronga Recreation Center Interior Remodel-
Including Bid Alternate No. 6
Project No. C464610

DATE: April 1, 2015

City Administrator's Office, Contracts and Compliance Unit reviewed five (5) 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.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction Company, Inc.	\$423,000.00	72.75%	2.69%	64.86%	5.20%	NA	72.75%	4%	\$406,080.00	Y
Wickman Development and Construction	\$435,000.00	57.56%	4.22%	43.00%	10.34%	NA	57.56%	3%	\$421,950.00	Y
Rockridge Builders	\$441,993.00	79.26%	14.54%	64.71%	0.00%	NA	79.26%	4%	\$424,313.28	Y
B Side Inc.	\$534,755.00	69.71%	0.00%	69.71%	0.00%	NA	69.71%	3%	\$518,712.35	Y
Strawn Construction Inc.	\$541,097.00	54.24%	2.30%	30.02%	21.92%	NA	54.24%	4%	\$519,453.12	N

Comments: As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant except Strawn Construction Inc. They will have to come into compliance prior to contract award.

* Bay Construction Company, Inc., Wickman Development and Construction, and Strawn Construction Inc.'s proposed VSLBE/LPG participation valued at 5.20%, 10.34%, and 21.92%, however, per the L/SLBE Program a VSLBE/LPG's participation and preference points are double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Bay Construction Company, Inc., Wickman Development and Construction, and Strawn Construction Inc. are 10.40%, 20.68%, and 43.84%.



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
Project Name: Woodmister Theater ADA Improvement Upper Amphitheater
Project No. C274390
Date: 3/30/2015

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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
1625.5	0	50%	812.75	50%	812.75	0	0	100%	243.9	15%	243.9	0

Comments: Bay Construction exceeded 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, Contract Compliance Officer at (510) 238-6261.



Contracts and Compliance Project Evaluation Report

Project No: C464610

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Contractor: Bay Construction Company, Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$438,500.00	\$423,000.00	\$15,500.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$406,080.00	\$16,920.00	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 2.64%
 - b) % of SLBE participation 63.80%
 - c) % of VSLBE/LPG participation 5.12% 10.24% (double counted value)
 3. Did the contractor meet the Trucking requirement? NA
 - a) % of SLBE/LBE trucking participation
 - b) % of VSLBE trucking participation
 4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 4.00%
 5. Additional Comments
 6. Date evaluation completed and returned to initiating department. 3/31/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 3/31/2015

Approved By: Shelley Darenshay

Approved By Date: 3/31/15

Tuesday, March 31, 2015

LBE/SLBE/VSLBE/LPG PARTICIPATION

Bidder 1

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Project No: C464610

Engineers Estimate: \$438,500.00

Under/Over Engineers Estimate: \$15,500.00

No. Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	Bay Construction Company, Inc.	Oakland	CB		206,288.00					AP	206,288.00	
2 Flooring	Tera Lite Inc.	San Jose	UB						10,113.00	NL		
3 Electric	Summerhill Electric	Oakland	CB		36,000.00					AA	36,000.00	
4 Flooring	All County Flooring	Benicia	UB						42,605.00	NL		
5 Remove Floor	American Eagle Environmental Inc.	Modesto	UB						17,776.00	NL		
6 Plumbing	Paul's Plumbing	Oakland	CB		32,058.00					C		
7 Toilet	Service Metal Products	Oakland	CB	11,370.00						C		
8 Door Frame	BK Mill & Fixture	Newark	UB						44,790.00	NL		
9 Painting	Citywide Painting	Oakland	CB			22,000.00				AP	22,000.00	
Project Totals:				11,370.00	274,346.00	22,000.00			115,284.00		264,288.00	
				2.69%	64.86%	5.20%			27.25%		62.48%	

REQUIREMENTS: The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG/VSLBE Trucking firm can be counted double towards achieving the 50% requirements.

Total LBE \ SLBE \$ and %: **\$285,716.00 67.55%**
 Total LBE \ SLBE Trucking \$ and %:
 Total VSLBE/LPG \$ and %: **\$22,000.00 5.20%**
Total Bid Amount: \$423,000.00
Total Participation of VSLBE / SLBE / LBE / LPG: 72.75%

LBE = Local Business Enterprise
 SLBE = Small Local Business Enterprise
 VSLBE = Very Small Local Business Enterprise
 LPG = Locally Produced Goods
 NPSLBE = NonProfit Small Local Business Enterprise
 NPLBE = NonProfit Local Business Enterprise
 UB = Uncertified Business
 CB = Certified Business
 MBE = Minority Business Enterprise
 WBE = Women Business Enterprise

*** Notes:**

ETHNICITY:
 AA = African American
 AI = Asian Indian
 AP = Asian Pacific
 C = Caucasian
 H = Hispanic
 NA = Native American
 O = Other
 NL = Not Listed
 MO = Multiple Ownership



Contracts and Compliance Project Evaluation Report

Project No: C464610

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Contractor: Wickman Development And Construction

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$438,500.00	\$435,000.00	\$3,500.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$421,950.00	\$13,050.00	3.00%

-
1. Did the 50% Local/Small Local requirement apply? Yes
 2. Did the contractor meet the 50% requirement? Yes
 - a) % of LBE participation 4.22%
 - b) % of SLBE participation 43.00%
 - c) % of VSLBE/LPG participation 10.34% 20.68% (double counted value)
 3. Did the contractor meet the Trucking requirement? NA
 - a) % of SLBE/LBE trucking participation
 - b) % of VSLBE trucking participation
 4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 3.00%
 5. Additional Comments *Proposed VSLBE/LPG participation is valued at 10.34%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 20.68%.
 6. Date evaluation completed and returned to initiating department. 3/31/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 3/31/2015

Approved By: Shelley Darnalbury

Approved By Date: 3/31/15

LBE/SLBE/VSLBE/LPG PARTICIPATION

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Project No: C464610

Engineers Estimate: \$438,500.00

Under/Over Engineers Estimate: \$3,500.00

No. Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	Wickman Development And Construction	San Francisco	UB						135,039.00	C		
2 Flooring	Creative Floor Coverings Sale & Supplies	Oakland	CB			45,000.00				AA	45,000.00	
3 Astestos	Asbestos Management Group of California	Oakland	CB		94,000.00					C		
4 Electric	Beci Electric	Oakland	CB	9,340.00						C		9,340.00
5 Plumbing	Westates Mechanical	San Leandro	UB						43,800.00	NL		
6 Mechanical	Westates Mechanical	San Leandro	UB						5,760.00	NL		
7 Painting	Allied Painters	Oakland	CB		53,061.00					C		
8 Supplier	Economy Lumber	Oakland	CB		40,000.00					C		
9 Plumbing	Pace Supply	Oakland	CB	9,000.00						C		
Project Totals:				18,340.00	187,061.00	45,000.00			184,599.00		45,000.00	9,340.00
				4.22%	43.00%	10.34%			42.44%		10.34%	2.15%

REQUIREMENTS: The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG/VSLBE Trucking firm can be counted double towards achieving the 50% requirements.

Total LBE \ SLBE \$ and %: **\$205,401.00 47.22%** Total Bid Amount: **\$435,000.00**
 Total LBE \ SLBE Trucking \$ and %:
 Total VSLBE\LPG \$ and %: **\$45,000.00 10.34%** Total Participation of VSLBE / SLBE / LBE / LPG: **57.56%**

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
 NPSLBE = NonProfit Small Local Business Enterprise
 NPLBE = NonProfit Local Business Enterprise

*** Notes:**

ETHNICITY:
 AA = African American NA = Native American
 AI = Asian Indian O = Other
 AP = Asian Pacific NL = Not Listed
 C = Caucasian MO = Multiple Ownership
 H = Hispanic



Contracts and Compliance Project Evaluation Report

Project No: C464610

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Contractor: Rockridge Builders

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$438,500.00	\$441,993.00	(\$3,493.00)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$424,313.28	\$17,679.72	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 14.54%
 - b) % of SLBE participation 64.71%
 - c) % of VSLBE/LPG participation 0.00% 0.00% (double counted value)
 3. Did the contractor meet the Trucking requirement? NA
 - a) % of SLBE/LBE trucking participation
 - b) % of VSLBE trucking participation
 4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 4.00%
 5. Additional Comments
 6. Date evaluation completed and returned to initiating department. 3/31/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 3/31/2015

Approved By: Shelley Darenburg

Approved By Date: 3/31/15

Tuesday, March 31, 2015

LBE/SLBE/VSLBE/LPG PARTICIPATION

Bidder 3

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Project No: C464610

Engineers Estimate: \$438,500.00

Under/Over Engineers Estimate: (\$3,493.00)

No. Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	Rockridge Builders	Oakland	CB		252,961.00					C		
2 Plumbing	Paul's Plumbing	Oakland	CB		32,058.00					C		
3 Flooring	Anderson Carpet & Linoleum Sales	Oakland	CB	50,915.00						C		
4 Restroom	Service Metal Products	Oakland	CB	11,370.00						C		
5 Stone-	Baker Marble	Oakland	UB						49,755.00	C		
6 Abatement	Synergy Enterprise, Inc.	Hayward	UB						19,650.00	C		
7 Electrical	County Electric	Walnut Creek	UB						9,700.00	C		
8 Epoxy Flooring	R.P. Coatings, Inc.	Hayward	UB						12,584.00	H	12,584.00	
9 Lumber	Economy Lumber	Oakland	CB	2,000.00						C		
10 Lumber	Economy Lumber Piedmont	Oakland	CB		1,000.00					C		
Project Totals:				64,285.00	286,019.00				91,689.00		12,584.00	
				14.54%	64.71%				20.74%		2.85%	

REQUIREMENTS: The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG/VSLBE Trucking firm can be counted double towards achieving the 50% requirements.

LBE = Local Business Enterprise
 SLBE = Small Local Business Enterprise
 VSLBE = Very Small Local Business Enterprise
 LPG = Locally Produced Goods
 NPSLBE = NonProfit Small Local Business Enterprise
 NPLBE = NonProfit Local Business Enterprise
 UB = Uncertified Business
 CB = Certified Business
 MBE = Minority Business Enterprise
 WBE = Women Business Enterprise

ETHNICITY:
 AA = African American
 AI = Asian Indian
 AP = Asian Pacific
 C = Caucasian
 H = Hispanic
 NA = Native American
 O = Other
 NL = Not Listed
 MO = Multiple Ownership

Total LBE \ SLBE \$ and %: **\$350,304.00 79.26%**
 Total LBE \ SLBE Trucking \$ and %:
 Total VSLBE/LPG \$ and %:
 Total Bid Amount: **\$441,993.00**
 Total Participation of VSLBE / SLBE / LBE / LPG: **79.26%**

* Notes:



Contracts and Compliance Project Evaluation Report

Project No: C464610

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Contractor: B Side Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$438,500.00	\$534,755.00	(\$96,255.00)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$518,712.35	\$16,042.65	3.00%

-
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 69.71%
 - c) % of VSLBE/LPG participation 0.00% 0.00% (double counted value)
 3. Did the contractor meet the Trucking requirement? NA
 - a) % of SLBE/LBE trucking participation
 - b) % of VSLBE trucking participation
 4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 3.00%
 5. Additional Comments
 6. Date evaluation completed and returned to initiating department. 3/31/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 3/31/2015

Approved By: Shelley Dorensburg

Approved By Date: 3/31/15

LBE/SLBE/VSLBE/LPG PARTICIPATION

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Project No: C464610

Engineers Estimate: \$438,500.00

Under/Over Engineers Estimate: (\$96,255.00).

No. Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	B Side Inc.	Oakland	CB		372,755.00							C
2 Hazard	Relance Construction	Burlingame	UB						42,000.00			NL
3 Plumbing	Performance Plumbing	South SF	UB						55,000.00			NL
4 Mechanical	The Chilly Co.	San Jose	UB						18,000.00			NL
5 Flooring	Harry's Carpet	Mountain View	UB						43,000.00			NL
6 Demo	Go Green Demo	Oakland	UB						4,000.00			NL

Project Totals:

372,755.00

69.71%

162,000.00

30.29%

REQUIREMENTS: The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG/VSLBE Trucking firm can be counted double towards achieving the 50% requirements.

LBE = Local Business Enterprise
 SLBE = Small Local Business Enterprise
 VSLBE = Very Small Local Business Enterprise
 LPG = Locally Produced Goods
 NPSLBE = NonProfit Small Local Business Enterprise
 NPLBE = NonProfit Local Business Enterprise

UB = Uncertified Business
 CB = Certified Business
 MBE = Minority Business Enterprise
 WBE = Women Business Enterprise

ETHNICITY:
 AA = African American
 AI = Asian Indian
 AP = Asian Pacific
 C = Caucasian
 H = Hispanic

NA = Native American
 O = Other
 NL = Not Listed
 MQ = Multiple Ownership

Total LBE \ SLBE \$ and %:

\$372,755.00

69.71%

Total Bid Amount: \$534,755.00

Total LBE \ SLBE Trucking \$ and %:

Total VSLBE/LPG \$ and %:

Total Participation of VSLBE/SLBE/LBE/LPG: **69.71%**

* Notes:



Contracts and Compliance Project Evaluation Report

Project No: C464610

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Contractor: Strawn Construction Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$438,500.00	\$541,097.00	(\$102,597.00)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$519,453.12	\$21,643.88	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 2.30%
 - b) % of SLBE participation 30.02%
 - c) % of VSLBE/LPG participation 21.92% 43.84% (double counted value)
 3. Did the contractor meet the Trucking requirement? NA
 - a) % of SLBE/LBE trucking participation
 - b) % of VSLBE trucking participation
 4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 4.00%
 5. Additional Comments *Proposed VSLBE/LPG participation is valued at 21.92%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 43.84%.
 6. Date evaluation completed and returned to initiating department. 3/31/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 3/31/2015

Approved By: Shelley Doremburg

Approved By Date: 3/31/15

Tuesday, March 31, 2015

LBE/SLBE/VSLBE/LPG PARTICIPATION

Bidder 5

Project Name: Tassafaronga Recreation Center Interior Remodel-Including Bid Alternate No. 6

Project No: C464610

Engineers Estimate: \$438,500.00

Under/Over Engineers Estimate: (\$102,597.00)

No. Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
										Ethn	MBE	WBE
1 Prime	Strawn Construction Inc.	San Jose	UB						191,860.00	NL		
2 Demolition	Asbestos Management Group	Oakland	CB		9,000.00					C		
3 Abatement	Asbestos Management Group	Oakland	CB		29,000.00					C		
4 Drywall &	Ironwood, Commercial Builders, Inc.	Oakland	CB		10,000.00					C		
5 Painting	Brite Painting	Oakland	CB		58,000.00					O		
6 Epoxy Flooring	Teralite	San Jose	UB						10,113.00	C		
7 Toilet	Service Metal Products	Oakland	CB	12,436.00						C		
8 Flooring	CM Flooring	Stockton	UB						38,685.00	H	38,685.00	
9 Doors Frames	MarCon Co.	Oakland	CB			40,000.00				H	40,000.00	
10 Doors Frames	MarCon Co.	Oakland	CB			8,610.00				H	8,610.00	
11 Wainscotting	MarCon Co.	Oakland	CB			70,000.00				H	70,000.00	
12 Plumbing	Paul's Plumbing	Oakland	CB		32,058.00					C		
13 Electrical and	Gill's Electric Inc.	Oakland	CB		24,366.00					C		
14 Mechanical	Apex Mechanical	San Jose	UB						6,969.00	H	6,969.00	

Project Totals:	12,436.00	162,424.00	118,610.00	247,627.00	164,264.00
	2.30%	30.02%	21.92%	45.76%	30.36%

REQUIREMENTS: The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG/VSLBE Trucking firm can be counted double towards achieving the 50% requirements.

LBE = Local Business Enterprise
 SLBE = Small Local Business Enterprise
 VSLBE = Very Small Local Business Enterprise
 LPG = Locally Produced Goods
 NPSLBE = NonProfit Small Local Business Enterprise
 NPLBE = NonProfit Local Business Enterprise

UB = Uncertified Business
 CB = Certified Business
 MBE = Minority Business Enterprise
 WBE = Women Business Enterprise

ETHNICITY:
 AA = African American NA = Native American
 AI = Asian Indian O = Other
 AP = Asian Pacific NL = Not Listed
 C = Caucasian MO = Multiple Ownership
 H = Hispanic

Total LBE \ SLBE \$ and %: \$174,860.00 32.32% Total Bid Amount: \$541,097.00
 Total LBE \ SLBE Trucking \$ and %:
 Total VSLBE\LPG \$ and %: \$118,610.00 21.92% Total Participation of VSLBE / SLBE / LBE / LPG: **54.24%**

*** Notes:**

ATTACHMENT C

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

Project Number/Title: S467610/Bancroft Ave. Building Demo.
Work Order Number (if applicable): S467610, Task Order #4
Contractor: Bay Construction
Date of Notice to Proceed: 2/19/2014
Date of Notice of Completion: 11/7/2014
Date of Notice of Final Completion: 11/7/2014
Contract Amount: \$54,500.00
Evaluator Name and Title: Moisés Montoya, Resident Inspector

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

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

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

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

ASSESSMENT GUIDELINES:

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

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

WORK PERFORMANCE

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
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 checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> No
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<input 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	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

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

~~_____~~
Resident Engineer / Date

~~_____~~
Supervising Civil Engineer / Date

1/26/15

1/26/2015

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: C423710/Bushrod Park Tot Lot Resurfacing
 Work Order Number (if applicable): C423710, Task Order #2
 Contractor: Bay Construction
 Date of Notice to Proceed: 4/1/2014
 Date of Notice of Completion: 11/21/2014
 Date of Notice of Final Completion: 11/21/2014
 Contract Amount: \$58,100.00
 Evaluator Name and Title: Moisés Montoya, Resident Inspector

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

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

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

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

ASSESSMENT GUIDELINES:

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

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

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

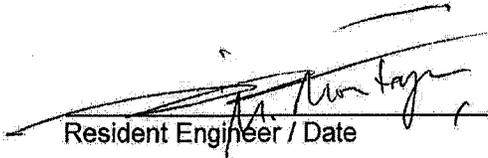
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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


Resident Engineer / Date

1/26/2015



Supervising Civil Engineer / Date

1/24/15

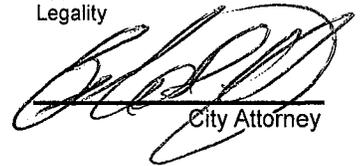
ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

Approved as to Form and
Legality



City Attorney

2015 APR 29 PM 12:57 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION CO., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE TASSAFARONGA RECREATION CENTER INTERIOR REMODEL (PROJECT NO. C464610) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FOUR HUNDRED TWENTY THREE THOUSAND DOLLARS (\$423,000.00)

WHEREAS, the Tassafaronga Recreation Center, operated by Oakland Parks and Recreation Department, is located at 975 85th Avenue in Oakland; and

WHEREAS, the building interior is in need of renovation due to aged and degraded facility components and finishes; and

WHEREAS, on March 12, 2015, the Office of the City Clerk of the City of Oakland received five bids for the Tassafaronga Recreation Center Interior Remodel (Project No. C464610); and

WHEREAS, Bay Construction Co., a certified SLBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; 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, that the performance of this contract is in the public interest because of economy or better performance; and

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

RESOLVED: That the City Administrator is authorized to award a construction contract to Bay Construction Co., the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated March 12, 2015, for the Tassafaronga Recreation Center Interior Remodel (Project No. C464610), in an amount of

Four Hundred Twenty Three Thousand Dollars (\$423,000.00); and be it

FURTHER RESOLVED: That there are sufficient funds in the project budget for the work under the following sources:

- California Housing and Community Development (2144); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); Tassafaronga Improvement Project (C464610);
- Housing and Urban Development – Community Development Block Grant (2108); Tassafaronga Recreation Center Organization (509236);); Capital Improvement – Buildings Additions & Improvements Account (57212); Tassafaronga Renovation (G469755); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Bay Construction Co. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; 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 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, 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