

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2010 DEC 2 PM 12:39  
TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: December 14, 2010

**RE: Resolution Awarding Construction Contracts For As-Needed On-Call Construction Services To Fourteen Pre-Qualified Contractors Shown In Exhibit A For An Amount Not-To-Exceed Two Hundred And Fifty Thousand Dollars (\$250,000.00) Each For Tier I Or \$500,000.00 For Tier II For A Three-Year Period, And Waiving The Advertising Requirements Of Oakland Municipal Code Chapter 2.04 For Specific On-Call Construction Jobs To Be Let To Said Contractors**

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### SUMMARY

Resolutions have been prepared authorizing the City Administrator, or his designee, to award construction contracts for on-call construction work to fourteen contractors. Eleven of these firms are Small Local Business Enterprise (SLBE) companies. The other three firms met the minimum 20% Local and Small Local Business Enterprise (L/SLBE) program participation requirements.

Consistent in part with the "Implement a Small Contracts Rotation Program" recommendation of the Fairness in Purchasing and Contracting Disparity Study report of September 29, 2009, these contractors were solicited through a two-tier Request for Qualifications process. Our initial attempt in August 2010 produced only five responses. In order to establish a large pool of participants, the project was re-advertised in October 2010.

The first tier shown in *Attachment A* targeted qualified contractors that are certified by the City as Small Local Business Enterprise (SLBE) firms. Some of these firms have not worked with the City before as a general, prime contractor. Each Tier 1 contract is for an amount not-to-exceed \$250,000.00 over a three-year period.

The second tier (tier II) shown in *Attachment B* was created and opened to all proposers. Each Tier II contract is for an amount not-to-exceed \$500,000.00 over a three year period. On-call construction work contracts facilitate the delivery of small projects promptly and efficiently, and help to spread the work to small local contractors that do not usually bid on City projects.

These on-call construction services will be utilized for various capital improvement projects within the City's right-of-way and will include work on sidewalks, curb ramps, and sanitary sewer pipes. All contractors will be required to comply with local hire provisions.

So that the work can be awarded to prequalified contractors on a rotating, solicitation basis,

Item: \_\_\_\_\_  
Public Works Committee  
December 14, 2010

the resolution will also waive Oakland Municipal Code Chapter 2.04 open-market advertising and bidding requirements for on-call construction work.

### **FISCAL IMPACT**

When approved, 2 tier I contracts, each in a not-to-exceed amount of \$250,000.00, and 12 tier II contracts, each in a not to exceed amount of \$500,000.00 will be executed for a three year period. The construction services will be funded through appropriations within the various individual projects. Funds are available for construction of sidewalk and curb ramp in the following projects:

- Measure B- ACTIA Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370610, \$1,044,080.00
- Measure B- ACTIA Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$1,056,000.00
- Measure B- Bicycle/Pedestrian Pass-Thru Fund (2212), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$425,000.00.

The available \$2,525,080.00 will be spent in 2011; any remainder work will be performed as funding becomes available in the following years. The approval of these contracts will not result in any additional appropriation of funds.

Additionally, these contracts will be used to repair private sidewalk damage when the responsible property owners fail to do so. Funding for the private damage repairs are provided by the Sidewalk Repair Revolving Fund. Costs incurred by the City are recouped through a notification and lien process. The current balance of the revolving fund is approximately \$280,000.00 in Project 5510.92452.C269180.

### **BACKGROUND**

The City's Fairness in Purchasing and Contracting Disparity Study report of September 29, 2009, provides recommendations on how to increase and support the hiring of small local businesses. One of the recommendations, to implement a small contracts rotation program, involves establishing a program or process for small, local construction-licensed contractors to undertake some of the City's routine maintenance and repair work that is more streamlined, expeditious and less costly. The proposed contracts are in support of this concept. The City issued a two-tier Request for Qualifications (RFQ) for on-call construction services with the expressed goal of enhancing contracting opportunities for qualified Oakland contractors meeting the definition of a Small Local Business Enterprise (SLBE) in August 2010 and October 2010.

The on-call work will involve various small capital improvement projects within the City's right-of-way, including streets and sidewalks, curb and gutter, and sanitary sewers. The RFQ targeted general contractors possessing either a current "A" or "C42" or "C8" type contractor license. Contractors with Class A license can perform general engineering and construction work including, but not limited to street, sewer, sidewalk, curb ramp and other infrastructure improvements within the public right-of-way; class C42 contractors will be utilized to perform sanitary sewer lateral work while contractors with C8 can perform concrete work. Our initial attempt in August 2010 produced only five responses. In order to nurture and encourage new small local general contractors to bid on City projects, staff re-advertised the project and reached out to small local business enterprise firms by telephone and email to offer assistance with completing the submittal package. Nine additional firms responded on time to the RFQ from the re-advertisement, resulting in a total of fourteen responses. Reviews of the proposals indicate that all fourteen contractors are qualified to perform on different aspects of the work based on their licenses. The names of the fourteen contractors are shown on the compliance evaluations as *Attachments A and B*.

Upon execution of the on-call contracts and as work arises, staff will award on-call work through a rotating solicitation process with the contractors. The \$2,525,080.00 is the amount available for the immediate work.

Three informational attachments are provided with this report. *Attachments A and B* provide summaries of compliance evaluation of all the contractors. *Attachment C* provides a summary background on sidewalk conditions in Oakland; facts about the sidewalk program and sidewalk frequently asked questions.

### KEY ISSUES AND IMPACTS

Small, local contractors and the City will benefit from utilizing on-call contracts to award work to a prequalified contractor pool instead of open-market advertising and bidding. Projects with limited scope and budget, or urgent, unplanned projects will occur throughout the three-year period and will most likely require use of the on-call construction contracts. In addition to making it far easier and expeditious for the prequalified contractors to bid on City work, the on-call construction contracts enable the City to promptly respond to and provide the construction work in an efficient and timely manner. The contracts will eliminate the lengthy process and costs associated with formally bidding and awarding projects on an individual project-by-project basis.

Compliance evaluations of the qualifications submitted by the fourteen contractors are provided in *Attachments A and B*.

Additionally, these contracts will be used to repair private sidewalk damage when the responsible property owners fail to do so. In FY 2009-10, a total of 103 private sidewalks damage locations were repaired. The property owners voluntarily repaired 96 locations while seven locations were repaired using the Sidewalk Repair Revolving Fund. This Fund was

established by the City Council in 2008. Costs of private damage repairs incurred by the City are recouped through notification and lien process.

### **PROJECT DESCRIPTION**

In general, the proposed work consists of installing or retrofitting curb ramps, removing/replacing lineal feet of curb and gutter, driveway, sidewalk, repairing private sewer laterals and sewer main and other ancillary works as indicated on the plans and specifications.

### **EVALUATION OF PAST PERFORMANCE**

Some contractors have not performed work in the City of Oakland as a general, prime contractor. Staff will evaluate the performance at the end of each project. AJW Construction and Rosas Brothers Construction are working on current sidewalk and curb ramp contracts and their work appear to be satisfactory. Performance Evaluations for Mosto Construction and Andes Construction are included as *Attachment D* and *Attachment E*.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed on-call contracts will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. These contracts specifically target small local businesses in an effort to spend local dollars locally.

**Environmental:** Environmental factors and opportunities will be considered and incorporated to the extent feasible in terms of specifying recycled materials and integrating other environmental opportunities for waste reduction and energy conservation. Contractors will be required to comply with the City's waste reduction and recycling policies for construction debris.

**Social Equity:** The proposed on-call construction services will facilitate implementation of capital improvements that have the potential to reduce blight to neighborhoods and enhance various neighborhoods throughout Oakland.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The capital improvements performed by the on-call contractors will be designed to comply with applicable accessibility codes and the Americans with Disabilities Act.

### **RECOMMENDATION AND RATIONALE**

On-call construction services contracts will expedite the implementation of capital improvement projects. The administrative burden and cost currently expended to formally bid and award projects to contractors on a project-by-project basis will be reduced. In addition, these contracts enhance the contracting opportunities for certified SLBE firms.

It is recommended that the City Administrator, or designee, award fourteen construction contracts for on-call construction services. Each Tier 1 contract is for an amount not-to-exceed \$250,000.00 and Tier 2 contract is in an amount not to exceed \$500,000.00. It is also recommended that the City Council waive Oakland Municipal Code (OMC) Chapter 2.04 open-market advertising and bidding requirements for construction work to be awarded under the on-call contracts.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,

  
\_\_\_\_\_  
Vitaly Troyan, P.E., Interim Director  
Public Works Agency

Reviewed by:  
Michael J. Neary, P.E., Deputy Director  
Department of Engineering and Construction

Prepared by:  
Marcel Uzegbu, P.E, Supervising Civil Engineer  
Right-of-Way Management  
Department of Engineering and Construction

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
December 14, 2010

# Memo

ATTACHMENT A

## Department of Contracting and Purchasing Social Equity Division

To: Marcel Uzegbu, Project Manager  
 From: Sophany Hang, Acting Contract Compliance Officer  
 Through: Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*  
 CC: Deborah Barnes, Director, DC&P  
 Gwen McCormick, Contract Administration Supervisor  
 Date: November 17, 2010  
 Re: Request For Qualification for On-Call Capital Improvements Construction Services-  
 Tier I

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed two (2) proposals in response to the above RFQ. The RFQ was limited to certified Small Local Business Enterprises (SLBE). Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Yes Construction Group Inc.	NA	55%	10%	45%	NA	55%	5 points	NA	0 points	Y
Peters Construction	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y

**Comments:** As noted above, both firms met and/or exceeded the minimum 20% L/SLBE participation requirement. Both firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
.NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**Comments:** NA

Should you have any questions you may contact Sophany Hang at (510) 238-3970.

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:**

Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Yes Construction Group Inc.

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under

NA

Bid discounted amount: Discount/Preference Points:

N/A

5

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE

b) % of SLBE **55%**

3. Did the contractor receive bid discount/preference point: **YES**

(If yes, list the points received)

**5 points**

5. Additional Comments.

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

11/9/2010

Date

Reviewing Officer:

Stephanie Herz

Date:

11/9/10

Approved By:

Shelley Sorenburg

Date:

11/9/10

## LBE/SLBE Participation Yes Construction Group Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier I and Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only			
						LBE/SLBE %	Percentages	Ethn	MBE	WBE	
PRIME Plumbing & Electrical Trucking Concrete	Yes Construction Group Inc.	Oakalnd	CB		45%	45%	45%	AP	45%		
	American Emperor	Oakalnd	CB	10%		10%	10%	AP			
	A & J Trucking	Oakalnd	UB				15%				
	Right Away	Oakalnd	UB				30%				
<b>Project Totals</b>				10%	45%	55%	100%		45%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE: 10%	SLBE: 10%	TRUCKING: 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							



**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier I

**CONSULTANT/CONTRACTOR: Peters Construction**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	5

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE
  - b) % of SLBE **100%**
- 3. Did the contractor receive bid discount/preference point: **YES**  
(If yes, list the points received **5 points**)

5. Additional Comments.

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

11/9/2010

Date

Reviewing Officer: Stephanie Hung

Date: 11/9/10

Approved By: Shelley Darenburg

Date: 11/9/10

## LBE/SLBE Participation Peters Construction

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier I

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethnic	MBE	WBE	
PRIME Landscaping	Peters Construction	Oakalnd	CB		100%	100%	100%	C	100%		
	Green Acres Landscaping and Maintenance, Inc.	Oakalnd	CB				TBD	H			
Trucking	Camese Transportation	Oakalnd	UB				TBD	AA			
Engineering	Seri Ngermwattana	Hayward	UB				TBD	AP			
<b>Project Totals</b>					0%	100%	100%		100%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

## Memo

ATTACHMENT B


**Department of Contracting and Purchasing**  
**Social Equity Division**

To: Marcel Uzegbu, Project Manager  
 From: Sophany Hang, Acting Contract Compliance Officer  
 Through: Shelley Darensburg, Sr. Contract Compliance Officer  
 CC: Deborah Barnes, Director, DC&P  
 Gwen McCormick, Contract Administration Supervisor  
 Date: November 10, 2010  
 Re: Request For Qualification for On-Call Capital Improvements Construction Services-Tier II

Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed twelve (12) proposals. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Andes Construction, Inc.	NA	100%	30%	50%	NA	80%	5 points	NA	2 points	Y
B Side Inc.	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y
Beliveaue Engineering Contractors Inc.	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y
AJW Construction	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y
Pipe Spy Inc.	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y
Rosas Brothers Construction Inc.	NA	100%	0%	100%	NA	100%	5 points	NA	2 points	Y
Mosto Construction	NA	100%	0%	100%	NA	20%	5 points	NA	2 points	Y
CAS Financial & Construction Services Inc.	NA	62%	16%	46%	NA	62%	5 points	NA	1 points	Y
Ghilotti Bros., Inc.	NA	20%	5%	15%	NA	20%	2 points	NA	0 points	Y
Magdave Associates Inc.	NA	20%	0%	20%	NA	20%	2 points	NA	0 points	Y
The Plumbing Ministry	NA	20%	0%	20%	NA	20%	2 points	NA	0 points	N
Malachi Paving & Grading, Inc.	NA	20%	0%	20%	NA	20%	2 points	NA	0 points	Y

**Comments:** As noted above, all firms met and/or exceeded the minimum 20% L/SLBE participation requirement. All firms are EBO compliant except The Plumbing Ministry. They have to come into compliance prior to full contract execution.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**Comments:** NA

Should you have any questions you may contact Sophany Hang at (510) 238-3970.



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	5	

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **30%**

b) % of SLBE participation **50%**

3. Did the contractor receive bid discount/preference points? **YES**

(If yes, list the points received) **5 points**

5. Additional Comments.

[Empty box for additional comments]

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

11/9/2010

Date

Reviewing Officer:

Sophia Hays

Date: 11/9/10

Approved By:

Shelley Sarensburg

Date: 11/9/10

## LBE/SLBE Participation Andes Construction, Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn	MBE	WBE	
PRIME	Andes Construction, Inc.	Oakland	CB		20%	20%	20%	H	20%		
Concrete	Rosa's Brothers	Oakland	CB		10%	10%	10%	H	10%		
Paving	Gallagher & Burk	Oakland	CB	10%		10%	10%	C			
Gen. Building	J.C. Framing	San Leandro	UB				10%	H	10%		
Saw Cut	Bay Line	Oakland	CB	10%		10%	10%	H	10%		
Electrical	Ray's Electric	Oakland	CB		10%	10%	10%	C			
Landscape	RMT Landscape	Oakland	CB	10%		10%	10%	H	10%		
Sewer	Mosto Construction	Oakland	CB		10%	10%	10%	H	10%		
Trucking	Foston Trucking	San Leandro	UB				10%	AA	10%		
<b>Project Totals</b>				30%	50%	80%	100%		80%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

DEPARTMENT OF CONTRACTING AND PURCHASING



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**  
**Project No.**

RE: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Magdave Associates, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	4

1. Did the 20% local/small local requirement apply: **YES**
2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE
  - b) % of SLBE **40%**
3. Did the contractor receive bid discount/preference points? **YES**  
(If yes, list the points received) **4 points**

5. Additional Comments.

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

11/9/2010  
Date

**Reviewing  
Officer:**

Sydney Herz

**Date:** 11/9/10

**Approved By:**

Shelley Darenberg

**Date:** 11/9/10

## LBE/SLBE Participation Magdave Associates Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn	MBE	WBE
PRIME	Magdave Associates Inc.	Oakalnd	UB				60%	AA	60%	
Gen.Engrg	Rosas Construction	Oakalnd	CB		20%	20%	20%	H	20%	
Trucking	CJC Trucking	Oakalnd	CB		20%	20%	20%	AA	20%	
<b>Project Totals</b>				0%	40%	40%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				



**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Beliveau Engineering Contractors Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	5

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**  
a) % of LBE  
b) % of SLBE **100%**

3. Did the contractor receive bid discount/preference points? **YES**  
(If yes, list the points received) **5 points**

5. Additional Comments.

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

11/9/2010  
Date

**Reviewing Officer:** *Sophy Hung*

**Date:** 11/9/10

**Approved By:** *Shelley Darenburg*

**Date:** 11/9/10

## LBE/SLBE Participation Beliveau Engineering

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier I and Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only				
								Ethn	MBE	WBE		
PRIME Trucking	Beliveau Engineering Contractors Inc.	Oakalnd	CB		98%	98%	98%	C				
	Williams Trucking	Oakalnd	CB		2%	2%	2%	AA	2%			
<b>Project Totals</b>				0%	100%	100%	100%		2%	0%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** B Side Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	5	

1. Did the 20% local/small local requirement apply: **YES**
2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE participation **0%**
  - b) % of SLBE participation **100%**
3. Did the contractor receive bid discount/preference points? **YES**  
(If yes, list the points received) **5 points**

5. Additional Comments.

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

11/9/2010

Date

**Reviewing Officer:**

*[Signature]*

Date: 11/9/10

**Approved By:**

*Shelley Qarensburg*

Date: 11/9/10

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :  
Project No.

RE: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

CONSULTANT/CONTRACTOR: The Plumbing Ministry

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	2

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement YES  
a) % of LBE  
b) % of SLBE **20%**
3. Did the contractor receive bid discount/preference points? **YES**  
(If yes, list the points received **2 points**)

5. Additional Comments.

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

11/9/2010  
Date

Reviewing Officer: *Sophany Hays*

Date: 11/9/10

Approved By: *Shelley Derenaberg*

Date: 11/9/10

## LBE/SLBE Participation The Plumbing Ministry

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn	MBE	WBE	
PRIME Contractor	The Plumbing Ministry Chapple Building Construction, Inc.	Oakland	UB				80%	AA	80%		
		Oakland	CB		20%	20%	20%	NL			
<b>Project Totals</b>				0%	20%	20%	100%		80%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :  
Project No.

RE: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

<u>CONSULTANT/CONTRACTOR:</u>	<u>Mosto Construction</u>		
<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>	
NA	NA	NA	
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>		
NA	5		

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement YES
  - a) % of LBE
  - b) % of SLBE 100%
- 3. Did the contractor receive bid discount/preference point YES  
(If yes, list the points received 5 points)

5. Additional Comments.

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

11/9/2010

Date

Reviewing Officer:

Stephanie Huang

Date: 11/9/10

Approved By:

Shelley Ransburg

Date: 11/9/10

## LBE/SLBE Participation Mosto Construction

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services- Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only			
						LBE/SLBE %	Percentages	Ethn	MBE	WBE	
PRIME Trucking	Mosto Constructon	Oakalnd	CB		100%	100%	100%	H	100%		
	Monroe Trucking	Oakalnd	CB				TBD	AA			
<b>Project Totals</b>				0%	100%	100%	100%		100%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise								UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No.

RE: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

<b><u>CONSULTANT/CONTRACTOR:</u></b>	<b>CAS Financial &amp; Construction Services Inc.</b>		
<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's</u></b>	
NA	NA	NA	

<b><u>Bid discounted amount:</u></b>	<b><u>Discount/Preference Points:</u></b>
N/A	5

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE	<b>16%</b>
b) % of SLBE	<b>46%</b>

3. Did the contractor receive bid discount/preference points? **YES**

(If yes, list the points received) **5 points**

5. Additional Comments.

[Empty box for additional comments]

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

11/9/2010

Date

Reviewing Officer:

Sophany Hong

Date: 11/9/10

Approved By:

Shelley Darenburg

Date: 11/9/10



## LBE/SLBE Participation CAS Financial & Construction Services Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn	MBE	WBE
PRIME	CAS Financial & Construction Services Inc.	Oakland	CB		46%	46%	46%	AA	46%	
Clay Pipe Products	Mission Clay Products, LLC	Oakland	UB				12%	C		
Plumbing Supplies	American Emperor Inc.	Oakland	CB	16%		16%	16%	AP	16%	
Equipment Rentals	Rocket Rentals	Glendale	UB				18%	NL		
Dumping Recycling	Waste Management ECO Box	San Leandro San Jose	UB UB				4% 4%	NL NL		
<b>Project Totals</b>				16%	46%	62%	100%		62%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR: Rosas Brothers Construction Inc.**

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's</u></b>
NA	NA	NA

<b><u>Bid discounted amount:</u></b>	<b><u>Discount/Preference Points:</u></b>
N/A	5

1. Did the 20% local/small local requirement apply: **YES**
2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE
  - b) % of SLBE **100%**
3. Did the contractor receive bid discount/preference point: **YES**  
(If yes, list the points received **5 points**)

**5. Additional Comments.**

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

11/9/2010  
Date

**Reviewing Officer:** *Sophy Hung*  
**Approved By:** *Shelley Darenburg*

**Date:** 11/9/10  
**Date:** 11/9/10

## LBE/SLBE Participation Rosas Brothers Construction Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier I and Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only			
						LBE/SLBE %	Percentages	Ethn.	MBE	WBE	
PRIME Trucking	Rosas Brothers Construction Inc.	Oakland	CB		80%	80%	80%	H	80%		
	Royal Trucking	Oakland	CB		20%	20%	20%	AA	20%		
<b>Project Totals</b>					0%	100%	100%		100%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.**

**RE:**

Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Pipe Spy

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under

NA

Bid discounted amount:

N/A

Discount/Preference Points:

5

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE

b) % of SLBE **100%**

3. Did the contractor receive bid discount/preference poi **YES**

(If yes, list the points received, \_

**5 points**

5. Additional Comments.

[Empty box for additional comments]

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

11/9/2010

Date

Reviewing Officer:

Sophany Huy

Date: 11/9/10

Approved By:

Shelley Darenburg

Date: 11/9/10

## LBE/SLBE Participation Pipe Spy Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethnicity	MBE	WBE
PRIME	Pipe Spy Inc.	Oakland	CB		100%	100%	100%	C	100%	
<b>Project Totals</b>				0%	100%	100%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**  
**Project No.**

**RE:** Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

**CONSULTANT/CONTRACTOR:** Ghilotti Bros., Inc.  
**Engineer's Estimate:** NA      **Contractors' Bid Amount** NA      **Over/Under Engineer's** NA

**Bid discounted amount: Discount/Preference Points:**  
NA      5 points

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE
  - b) % of SLBE: 100%

3. Did the contractor receive bid discount/preference points **YES**  
(If yes, list the points received) **5 points**

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.  
11/9/2010  
Date

**Reviewing Officer:** *Stephanie Hug*  
**Approved By:** *Shelley Darenburg*

**Date:** 11/9/10  
**Date:** 11/9/10

## LBE/SLBE Participation Ghilotti Bros., Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only			
						LBE/SLBE %	Percentages	Ethn.	MBE	WBE	
PRIME Trucking Saw Cut	Ghilotti Bros., Inc.	San Rafael	UC				80%	C			
	Williams Trucking	Oakland	CB		15%	15%	15%	AA	15%		
	Bay Line Cutting & Coring	Oakland	CB	5%		5%	5%	H	5%		
<b>Project Totals</b>				5%	15%	20%	100%		20%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

## LBE/SLBE Participation Malachi Paving & Grading Inc.

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking	
								Ethnic	MBE
PRIME	Malachi Paving & Grading Inc.	Oakalnd	CB				60%	AA	60%
Trucking	Brook's Trucking	Oakalnd	CB		10%	10%	10%	AA	10%
Asphalt/Concrete Trucking	Astro Construction	Oakalnd	UB				20%	AA	20%
	Irvin Trucking	Oakalnd	CB		10%	10%	10%	AA	10%
<b>Project Totals</b>					0%	20%	20%		100%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				



DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

Project No.

RE:

Request for Qualification for On-Call Capital Improvements Construction Services-Tier II

CONSULTANT/CONTRACTOR: AJW Construction

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under

NA

Bid discounted amount: Discount/Preference Points:

N/A

5

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE

b) % of SLBE 100%

3. Did the contractor receive bid discount/preference points? YES

(If yes, list the points received)

5 points

5. Additional Comments.

[Empty box for additional comments]

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

11/9/2010

Date

Reviewing Officer:

*Sophy Ho*

Date: 11/9/10

Approved By:

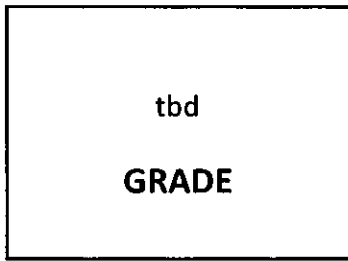
*Shelley Danenberg*

Date: 11/9/10

## LBE/SLBE Participation AJW Construction

Project Name: Request for Qualification for On-Call Capital Improvements Construction Services-Tier I and Tier II

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only				
								Ethn.	MBE	WBE		
PRIME	AJW Construction	Oakland	CB		100%	100%	100%	H	100%			
<b>Project Totals</b>				0%	100%	100%	100%		100%	0%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								



- Oakland has 1,126 miles of sidewalks (44.7 million square feet) located in front of or next to 79,390 parcels of land.
- Sidewalks are owned by the City, but maintained by the fronting property owner (Oakland Municipal Code Section 12.04.020). When a defective sidewalk is identified, a "Notice to Repair" is sent to the fronting property owner asking that the sidewalk be repaired within 30 days. If the owner fails to do so, the City may repair the sidewalk and bill the property owner. If the owner doesn't pay for the repairs, a tax lien will be placed on the property.
- As an exception to the paragraph above, if the sidewalk has been damaged by roots of a City-owned tree or other City operation, the City will fix the sidewalk at its expense.
- In FY 2009-10, the City paid \$432,005 for 34 claims related to sidewalk "trip and falls".
- The City has three inspectors who inspect sidewalks, four staff who grind uplifted sidewalks to make them safe, and a four-person concrete crew who repair sidewalks and make other concrete repairs.
- A survey conducted in 2006, identified 110,715 defective sidewalk locations. 17% of these defects were caused by City-owned trees; 83% were the responsibility of the property owner. The estimated cost of fixing defective sidewalks for which the City is responsible is estimated to be \$19.8 million.
- Oakland's City Council appropriated the following amounts to fix defective sidewalks for which the City is responsible:
  - FY 2008-09     \$700,000
  - FY 2009-10     \$870,000
  - FY 2010-11     \$870,000
- In FY 2009-10, the City repaired defective sidewalks at 859 locations and ground uneven sidewalks ("make safe") at an additional 21 locations.
- The City also has an extensive program of curb ramp installation. Curb ramps are mandated by the Americans with Disabilities Act (ADA) and are installed at intersections to improve the path of travel for people with disabilities. In FY 2009-10, the City installed 600 curb ramps at various intersections.

## FREQUENTLY ASKED QUESTIONS CITY SIDEWALKS

*Q. Why does the City claim to own my sidewalk, but then requires me to fix problems in the sidewalk?*

A. Property owners are responsible for sidewalk maintenance and repair in front of and adjacent to their property. Oakland Municipal Code Section 12.04.020 provides: "Whenever any portion of any street, lane, alley, court or place in the city, or any sidewalk constructed thereon, according to law, shall be out of repair and in condition to endanger persons or property passing thereon... it shall be the duty of the Superintendent of Streets/Director of Public Works of said city to require, by notice in writing, to be delivered to them personally or left on the premises, the owners or occupants of lots ... to repair forthwith said sidewalk in front of the property of which he or she is the owner or tenant or occupant, specifying in said notice what repairs are required to be made."

*Q. Why should I repair my sidewalk?*

A. If someone trips in front of your house, you could be sued for damages. Sidewalk defects could also create problems for blind people, people in wheelchairs, and people with other disabilities.

*Q. How do I repair my sidewalk?*

A. You can do the work yourself or hire a licensed contractor to do the repairs. All work must be done in accordance with City specifications. Defective sidewalks must be removed to the nearest score line. Replacement sidewalks must be made of concrete. Sidewalk repairs which exceed 25 square feet require a permit from the City which may be obtained at CEDA Building Permits Office, 250 Frank H. Ogawa Plaza, 2nd floor. The "Curb, Gutter, Sidewalk (CGS) Permit" fee is \$392.40 for less than 200 square feet and \$0.93 additional per square foot if greater than 200 square feet.

*Q. May a property owner repair a sidewalk damaged by an official City tree?*

A. Property owners may repair the sidewalk at their own expense if they so choose. The City will assist with inspection and, while a Sidewalk Permit is still required, the City will waive the cost of the permit.

*Q. How do I report a sidewalk defect?*

A. Call the Public Works Call Center at (510) 615-5566 and report the address and the problem. We will send an inspector to look at the sidewalk and, if there's a problem, issue a "Notice to Repair" to the responsible person to fix the defect.

# ATTACHMENT D

**Schedule L-2  
City of Oakland  
Community & Economic Development Agency  
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C282891-The Rehabilitation of Sanitary Sewers in an easement bounded by Glenbrook Drive, Beechwood Drive, and Romany Road.

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

Contractor: Mosto Construction

Date of Notice to Proceed: 10/6/2008

Date of Notice of Completion: 2/19/2009

Date of Notice of Final Completion: 2/19/2009

Contract Amount: \$210,850.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

#### ASSESSMENT GUIDELINES:

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

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**TIMELINESS**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

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

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**FINANCIAL**

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



**COMMUNICATION**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	<b>Overall, how did the Contractor rate on communication issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	<b>Overall, how did the Contractor rate on safety issues?</b> 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      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:    Satisfactory

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

### PROCEDURE:

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

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


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

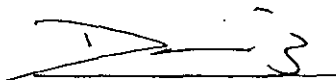
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

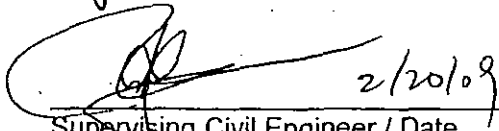
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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

  
Contractor / Date

 2/20/2009  
Resident Engineer / Date

 2/20/09  
Supervising Civil Engineer / Date

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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

# ATTACHMENT E

City of Oakland  
Public Works Agency  
CONTRACTOR PERFORMANCE EVALUATION

Project Title: REHABILITATION OF SANITARY SEWERS AND STORM  
CULVERT IN THE EASEMENT OFF BUTTERS DRIVE

Work Order Number: C 135410

Contractor: ANDES CONSTRUCTION

Date of Notice to Proceed: 9-11-07

Date of Notice of Completion: 12-10-07

Date of Notice of Final Completion: 12-10-07

Contract Amount: \$ 285,167.00

Evaluator Name and Title: JUN OSALBO, 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 is 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.

Contractor Evaluation Form Contractor: ANDES CONSTRUCTION Project No. C135410

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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 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 #8. 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 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"/>	



Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**FINANCIAL**

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

**COMMUNICATION**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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?	0	1	2	3	
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 type="checkbox"/>	<input checked="" 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	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 type="checkbox"/>	3 <input checked="" type="checkbox"/>	

**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.

ANDES Construction

Project No

C135410

**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>3</u> | X 0.25 = | <u>.75</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.50</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>.40</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>.30</u> |
| 5. Enter Overall score from Question 28 | <u>3</u> | X 0.15 = | <u>.45</u> |

TOTAL SCORE (Sum of 1 through 5): 2.4

OVERALL RATING: SATISFACTORY

Outstanding: Greater than 2.5

Satisfactory: Greater than 1.5 & less than or equal to 2.5

Marginal: Between 1.0 & 1.5

Unsatisfactory: Less than 1.0

**PROCEDURE:**

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

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

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

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

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

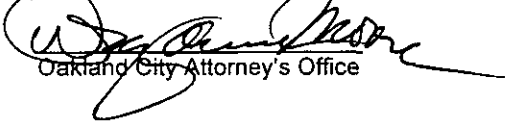
COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

Contractor / Date

Resident Engineer / Date

Jim Murray 1/11/2008  
Supervising Civil Engineer / Date

Jim O'Neil 1-10-08  
Resident Engineer / Date

  
Oakland City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 DEC -2 PM 12:39

# OAKLAND CITY COUNCIL

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

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

**RESOLUTION AWARDING CONSTRUCTION CONTRACTS FOR AS-NEEDED ON-CALL CONSTRUCTION SERVICES TO FOURTEEN PRE-QUALIFIED CONTRACTORS SHOWN IN *EXHIBIT A* FOR AN AMOUNT NOT-TO-EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) EACH FOR TIER I OR \$500,000.00 FOR TIER II FOR A THREE-YEAR PERIOD, AND WAIVING THE ADVERTISING REQUIREMENTS OF OAKLAND MUNICIPAL CODE CHAPTER 2.04 FOR SPECIFIC ON-CALL CONSTRUCTION JOBS TO BE LET TO SAID CONTRACTORS**

**WHEREAS**, the City's Fairness in Purchasing and Contracting Disparity Study report of September 29, 2009, included a recommendation to implement a small contracts rotation program or process for small, local construction-licensed contractors to undertake some of the City's routine maintenance and repair work, that is more streamlined, expeditious and cost efficient; and

**WHEREAS**, the City would benefit from maintaining a list of prequalified contractors to perform construction work on an on-call basis to undertake projects with limited scope, budget, or of an urgent nature so that it can promptly respond to and provide construction services in an efficient and timely manner; and

**WHEREAS**, there are sufficient funds in the project budget for the immediate work. Funding for this project is available in the following project account:

- Measure B- ACT1A Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370610, \$1,044,080.00
- Measure B- ACT1A Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$1,056,000.00
- Measure B- Bicycle/Pedestrian Pass-Thru Fund (2212), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$425,000.00; and

**WHEREAS**, the construction services beyond the immediate work will be funded through the various individual projects and funds will be identified prior to the performance of the construction services; and

**WHEREAS**, the City conducted a pre-qualification process issuing a Request for Qualifications (RFQ) that was limited to certified Small Local Business Enterprise contractors for Tier I and all

proposers for Tier II with "A" or "C8", and C42 licenses and 14 firms responded as shown in Exhibit A ; and

**WHEREAS**, the fourteen firms that responded to the RFQ are licensed and qualified per the requirements of the RFQ to undertake on-call construction work; and

**WHEREAS**, once on-call contracts are executed with the list of prequalified licensed contractors and a project arises, the City will solicit bids for work from groups of prequalified contractors on a rotating basis in light of factors such as type of work, contractor's experience and expertise, contractor's availability and contractor's bonding capacity at the time of solicitation, and will award work orders to the lowest responsive bidder; and

**WHEREAS**, it is in the City's best interests not to advertise or solicit competitive bids on the open market for on-call construction work that can be handled by the list of prequalified contractors in the interest of supporting the recommendation for a small contracts rotation program and because such advertising and bidding delays work, would result in unnecessary administrative cost and burden, does not facilitate the participation of small local licensed contractors in bidding for the work and would be unlikely to render significantly better prices for the work; and

**WHEREAS**, the City Council may waive the advertising and bidding requirements of the Oakland Municipal Code (OMC) for construction work under Section 2.04.050.I.5 upon a finding that it is in the best interest to do so; and

**WHEREAS**, the City Administrator has determined that the construction contracts approved hereunder are technical and temporary in nature and that the City lacks the equipment and qualified personnel to perform the necessary work; 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 service; now, therefore, be it

**RESOLVED:** That the City Council awards construction contracts to the fourteen contractors shown in **Exhibit A** , prequalified for construction work to be let/assigned thereunder, in an amount not-to-exceed two hundred and fifty thousand dollars (\$250,000.00) for Tier I, or five hundred thousand dollars (\$500,000.00) for Tier II, on-call construction work; and be it

**FURTHER RESOLVED:** That for any work orders issued under this resolution requiring the use of any City General Purpose Fund money not already specifically appropriated by City Council to the project, the City Administrator shall return to the City Council for approval of the allocation of the General Purpose Fund money; and be it

**FURTHER RESOLVED:** That the City Council approves the on-call construction specifications, and authorizes the execution of any amendments or modifications of said contract within the



limitations of the specifications for the on-call construction work; and be it

**FURTHER RESOLVED:** That the contract term will be for three (3) years from the date of contract execution; and be it

**FURTHER RESOLVED:** That the City Council hereby finds, pursuant to OMC Section 2.04.050.I.5 and the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the open-market advertising and competitive bid requirements of OMC Chapter 2.04.050 for any on-call construction work to be awarded to said prequalified contractor, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the contractor shall provide performance and payment bonds for 100% of the value of the work assignment prior to the commencement of any work under its on-call construction services contract; and be it

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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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

# EXHIBIT A

## CONTRACTOR'S TIER CATEGORY

### TIER I

1. Yes Construction Group Inc
2. Peters' Construction

### TIER II

3. Andes Construction Inc
4. Magdave Associates
5. Beliveau Engineering Contractors Inc
6. B-Side Construction
7. The Plumbing Ministry
8. Mosto Construction
9. Cas Financial Services, Inc
10. Rosas Brothers Construction, Inc.
11. Pipe Spy Inc
12. Ghilotti Bros, Inc.
13. Malachi Paving & Grading Inc.
14. AJW Construction