

CITY OF OAKLAND
AGENDA REPORT

2010 SEP -1 PM 12: 23

TO: Office of the City/Agency Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: September 14, 2010

RE: **A Resolution Awarding A Construction Contract To Ray's Electric For The Construction Of The 23rd Avenue Improvement Project (City Project No. P233271) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of One Million Eight Hundred Seventy-Six Thousand and Twenty-One Dollars (\$1,876,021.00)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$1,876,021.00 to Ray's Electric for the construction of the 23rd Avenue Improvement Project (P233271). The work to be completed under this project is part of the Central City East Redevelopment Area and will be funded by the Central City East Bond Funds. The 23rd Avenue Improvement Project will increase public safety and improve the street for pedestrian use by providing new crosswalks, sidewalk, curbs, gutters, bulb-outs, street resurfacing, landscaping, trees, and additional pedestrian lighting. This project is located within Council District 2 and Council District 5 as shown in *Attachment A*.

FISCAL IMPACT

The construction contract will be in the amount of \$1,867,021.00. Sufficient funds for the contract work are available from the following source:

- \$2,080,000.00: Oakland Redevelopment Agency Projects Fund (7780), Engineering Design: Streets and Structures Organization (92242); 23rd Avenue Improvement Project (P233281)

Installation of new crosswalks, sidewalks, curbs, gutters, bulb-outs, street resurfacing, and drainage improvements will reduce short-term maintenance problems and associated blight. The project includes a 3-year plant establishment period after completion to provide maintenance of new trees, landscaping, and the irrigation system. Trees and landscaping in planter areas will require periodic maintenance after the 3-year plant establishment period. Additional pedestrian lighting will increase energy cost slightly, but will provide a better lit and safer pathway to residents.

Item: _____
Public Works Committee
September 14, 2010

BACKGROUND

On June 24, 2010, the City Clerk received two bids for this project in the amounts of \$1,876,021.00 and \$1,976,385.00 as shown in *Attachment B*. The lowest bidder, Ray's Electric, is deemed responsive and responsible, and therefore is recommended for the award. The engineer's estimate for the work is \$2,072,866.00.

Under the proposed contract with Ray's Electric, LBE/SLBE participation of \$1,614,337.00 (86.05%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$19,900.00 (100%) for trucking exceeding the 20% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

The project area includes 23rd Avenue between East 12th Street and Foothill Boulevard, and Foothill Boulevard between 23rd and 22nd Avenues. It forms the core of the 23rd Avenue commercial historic district, which was documented by the Oakland Cultural Heritage Survey in 1996.

At present, 23rd Avenue remains a predominantly commercial district with a few single-family buildings interspersed. Current uses include a mixture of commercial and community services. These properties have undergone varying degrees of change since their construction.

23rd Avenue is a two-lane collector with parallel parking on both sides. Foothill Boulevard is a four-lane arterial with parallel parking on both sides.

This project will improve the pedestrian circulation within the project area by providing traffic-calming measures, enhancing the connectivity between activity nodes, and increasing the number of pathways and travel options.

The new pedestrian level lights will not only aid in illuminating the street within the commercial segment, but will also create a festive atmosphere for holidays or other special events. They will add a sense of scale and rhythm.

The proposed improvements include corner bulb-outs, sidewalk, curb ramps, curbs, gutters, decorative crosswalks, pedestrian level lights, landscaping, trees, asphalt paving, traffic striping, and other ancillary work as indicated on the plans and specifications.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin approximately in December 2010 and should be completed by June 2011, weather permitting. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 120 working days. The project schedule is shown in *Attachment B*.

EVALUATION OF PAST PERFORMANCE

Contractor Performance Evaluation (Schedule L-2) for Ray's Electric from a previously completed project is shown in *Attachment D*. The Contractor performed satisfactorily on this project.

SUSTAINABLE OPPORTUNITIES

Economic: The project will provide immediate employment, will support the establishment of businesses along the street and will complement and enhance economic development efforts in the **Central City East Redevelopment Area**. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

Environmental: All existing trees within the project area will remain. The Best Management Practices (BMPs) are specified in the contract documents for this project to ensure protection of the existing drainage system. The project Contractor will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction. The SWPPP will address sediment controls and waste management and materials pollution controls.

Social Equity: This project is part of the Oakland Redevelopment Agency's Central City East Area Capital Infrastructure program. The 23rd Avenue Improvement Project will enhance the visual amenity of 23rd Avenue. The project implementation strengthens the local economy by increasing the opportunity to use local contractors and provides jobs for Oakland residents. This project also provides an enhancement to this historical commercial district.

DISABILITY AND SENIOR CITIZEN ACCESS

The enhanced street lighting proposed along 23rd Avenue will improve visibility and street access for the disabled and for senior citizens. Installing better pedestrian crossings and modifying the curb ramps also benefits seniors and people with disabilities.

Item: _____
Public Works Committee
September 14, 2010


RECOMMENDATION AND RATIONALE

It is recommended that the City Council approve the resolution authorizing the award of a construction contract to Ray's Electric, the lowest responsive and responsible bidder, in the amount of \$1,876,021.00 for the construction of the 23rd Avenue Improvement Project (Project No. P233271). Ray's Electric has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

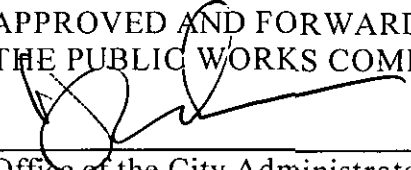


Vitaly B. Troyan, P.E., Interim Director
Public Works Agency

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

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: _____
Public Works Committee
September 14, 2010

Attachment A

23RD AVE IMPROVEMENT PROJECT

CITY PROJECT NO. P233271



LOCATION MAP
NOT TO SCALE

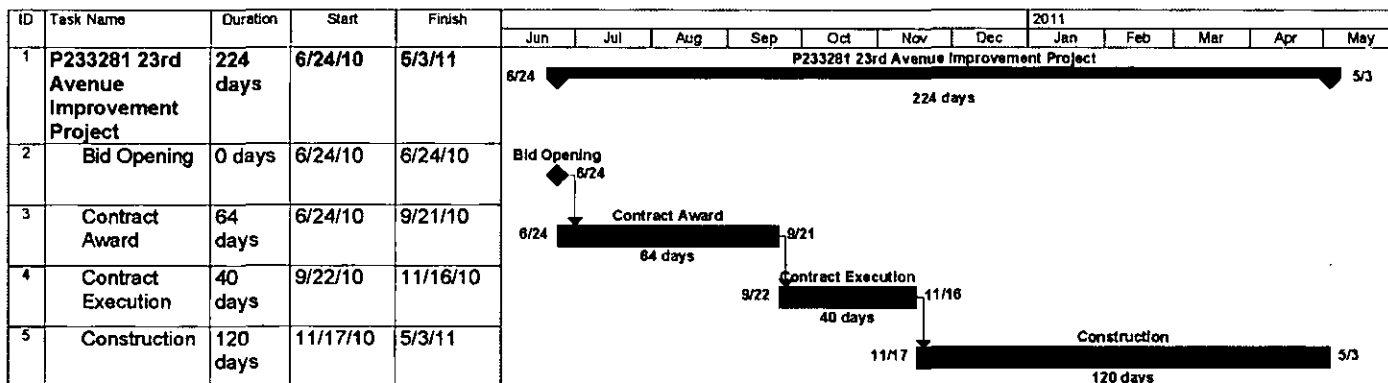
Attachment B

**Construction of 23rd Avenue Improvement Project
(City Project No. P233271)**

List of Bidders

Company	Location	Bid Amount
Ray's Electric	Oakland	\$1,876,021.00
McGuire and Hester	Oakland	\$1,976,385.00

Project Schedule



Attachment C

**23RD AVENUE IMPROVEMENT PROJECT
PROJECT NO. P2332710**

CONTRACT COMPLIANCE ANALYSIS

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Ferdinand Ciceron, Project Manager
 From: Sophany Hang, Acting Contract Compliance Officer
 Through: Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*
 CC: Deborah Barnes, Director, DC&P
 Gwen McCormick, Contract Administration Supervisor
 Date: July 9, 2010
 Re: P233271 – 23rd Avenue Improvement Project

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Below are the results of our findings:

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		
Ray's Electric	\$1,876,021	86.05%	4.36%	81.69%	100%	86.05%	5%	\$1,782,220	2%	Y

Comments: As noted above, firm met and/or exceeded the minimum 20% L/SLBE participation requirement. The firm is 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		
McGuire & Hester	\$1,976,385	84.51%	83.29%	1.21%	100%	0%	0%	NA	0%	Y

Comments: As noted above, McGuire & Hester failed to meet the City's 20% L/SLBE minimum participation requirement. Therefore, they are deemed non-responsive.

For Informational Purposes

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

Contractor Name: Ray's Electric

Project Name: Traffic Signal Installation at SR13 Ramp, San Pablo at 65t Street

Project No: C229110

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

		50% Local Employment Program (LEP)						15% Apprenticeship Program				
Total Project Hours	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
2197	0	50%	1098.5	100%	1547	0	0	139%	0	15%	330	0

Comments: Ray's Electric exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 115 on site and 115 off site hours

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

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: P233271

PROJECT NAME: 23rd Avenue Improvement Project

CONTRACTOR: Ray's Electric

Engineer's Estimate: \$2,072,864	Contractors' Bid Amount \$1,876,021	Over/Under Engineer's Estimate \$196,843
--	---	--

Discounted Bid Amount: \$1,782,220	Amount of Bid Discount \$93,801	Discount Points: 5%
--	---	-------------------------------

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **4.36%**
 - c) % of SLBE participation **81.69%**
3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5%**
5. Additional Comments.

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

7/7/2010

Date

**Reviewing
Officer:**

Stephen King

Date:

7/7/10

Approved By:

Shelley Oaremburg

Date:

7/7/10

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: 23rd Avenue Improvement Project

Project No.: P233271		Engineers Est: 2,072,864				Under/Over Engineers Estimate: 196,843				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	CB		1,415,847	1,415,847			1,415,847	C		
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	5,600		5,600			5,600	H	5,600	
Trucking	Williams Trucking	Oakland	CB		19,900	19,900	19,900	19,900	19,900	AA	19,900	
Concrete Materials	Central Concrete	San Jose	UB						6,500	NL		
Concrete Materials	Milpitas Materials Co.	Milpitas	UB						87,000	NL		
Electrical Materials	JAM Services	Livermore	UB						228,000	NL		
Landscape & Irrig	Ramos Happy Yard	Oakland	CB		84,815	84,815			84,815	H	84,815	
Furniture	Palmer Group	San Francisco	UB						4,200	NL		
Furniture	Forms & Surface	Pittsburgh	UB						24,159	NL		
Grind & Pave	Gallagher & Burk	Oakland	CB	76,175		76,175			76,175	C		
Decorative AC	Redgwick Construction Co.	Newark	UB						74,625	NL		
Planter Railing	Bay Area Welding Maint.	Richmond	UB						17,420	NL		
Striping & Signage	Lineation Marking Corp.	Oakland	CB		12,000	12,000			12,000	C		
Tree Grates	Neenah Foundry	Phoenix	UB						29,835	NL		
Project Totals				\$81,775	\$1,532,562	\$1,614,337	\$19,900	\$19,900	\$1,876,021		\$110,315	\$0
				4.36%	81.69%	86.05%	100%	100%	100%		5.88%	0%
Requirements: 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%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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 EVALUATION FORM

PROJECT NO.: P233271

PROJECT NAME: 23rd Avenue Improvement Project

CONTRACTOR: McGuire and Hester

<u>Engineer's Estimate:</u> \$2,072,864	<u>Contractors' Bid Amount</u> \$1,976,385	<u>Over/Under Engineer's Estimate</u> \$96,479
<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Discount Points:</u> 0%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **NO**
 - b) % of LBE participation **83.29%**
 - c) % of SLBE participation **1.21%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **NO**
 - (If yes, list the percentage received) **0%**
- 5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
7/7/2010
Date

**Reviewing
Officer:**

Shelley Darenstein

Date: 7/7/10

Approved By:

Date: 7/7/10

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: 23rd Avenue Improvement Project

Project No.: P233271		Engineers Est: 2,072,864				Under/Over Engineers Estimate: 96,479				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
Prime Concrete	McGuire and Hester	Oakland	CB	1,646,177		1,646,177			1,646,177	C		
	Cemex	Oakland	UB						99,000	C		
Site Furnishings(Trash Receptacles)	Forms & Surfaces	Pittsburgh	UB						26,514	C		
Site Furnishings(9Bike Racks)	Palmer Group	San Francisco	UB						4,239	C		
Site Furnishings(Tree Grates)	Neenah Foundry	Phoenix	UB						38,010	NL		
Underground(Precast)	US Concrete	Livermore	UB						11,000	NL		
Irrigation	Imeriel	Anaheim	UB						18,000	C		
Landscape	Normon's Nursery	Linder	UB						3,000	NL		
Railing	Bay Area Welding	Richmond	UB						17,420	H	17,420	
Asphalt	Hanson	Berkeley	UB						42,000	C		
Decorative Asphalt	Asphalt Impressions	Sacramento	UB						73,025	NL		
Concrete	AJW Construction	Oakland	UB						309,000	H	309,000	
Trucking	Monroe Trucking	Oakland	CB		12,000	12,000	12,000	12,000	12,000	AA	12,000	
Trucking	Williams Trucking	Oakland	CB		12,000	12,000	12,000	12,000	12,000	AA	12,000	
Electrical	Phoenix Electric	San Leandro	UB						483,888	AP	483,888	
Striping & Signage	Striping Graphics	Cotati	UB						7,916	C		
Project Totals				\$1,646,177	\$24,000	\$1,670,177	\$24,000	\$24,000	\$1,976,385		\$17,420	\$0
				83.29%	1.21%	84.51%	100%	100%	100%		0.88%	0%
Requirements: 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%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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				

Attachment D

CONTRACTOR PERFORMANCE EVALUATION

SCHEDULE L-2

FOR

G305010 – SAFE ROUTE TO SCHOOL CYCLE 6

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

Project Number/Title: G305010 – Safe Routes to School – Cycle 6

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: July 21, 2008

Date of Notice of Completion: February 18, 2009

Date of Notice of Final Completion: February 18, 2009

Contract Amount: \$339,433.00

Evaluator Name and Title: Henry Choi – Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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.

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.			<input type="checkbox"/>	Yes <input type="checkbox"/>	No <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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

COMMUNICATION

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

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

PROCEDURE:

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

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

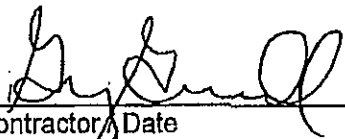
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


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

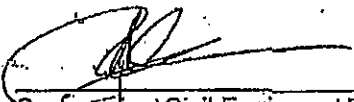
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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

 2/28/09
Contractor / Date

 02/18/09
Resident Engineer / Date

 2/18/09
Supervising Civil Engineer / Date

WORK PERFORMANCE

1a – Contractor was pro-active at a couple of the bulb-out locations when the elevations of the plans did not match the field conditions to work with the designers to correct the plans to build bulb-outs that would not create ponding.

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

~~DRAFT~~
City Attorney

2010 SEP -1 PM 12: 23

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC FOR THE CONSTRUCTION OF THE 23RD AVENUE IMPROVEMENT PROJECT (PROJECT NO. P233271) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED SEVENTY-SIX THOUSAND AND TWENTY-ONE DOLLARS (\$1,876,021.00)

WHEREAS, on June 24, 2010, two bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the 23rd Avenue Improvement Project (City Project No. P233271); and

WHEREAS, Ray's Electric complies with the 20% Local and Small Local Business Enterprise (L/SLBE) participation, 50% Local Employment Program (LEP), the 15% Oakland Apprenticeship Program, and Equal Benefits Ordinance (EBO) requirements bidding as a prime, and is the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project accounts:

- \$2,080,000.00: Oakland Redevelopment Agency Projects Fund (7780), Engineering Design: Streets and Structures Organization (92242); 23rd Avenue Improvement Project (P233281)

WHEREAS, the engineer's estimate for the work is \$2,072,866.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

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

RESOLVED: That the contract for the Construction of the 23rd Avenue Improvement Project (Project No. P233271) is hereby awarded to Ray's Electric in accordance with the terms of its bid therefore, dated June 24, 2010, in the amount of one million eight hundred seventy-six thousand and twenty-one dollars (\$1,876,021.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,876,021.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$1,876,021.00, with respect to such work are hereby approved; and be it

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

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