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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2012 FEB 16 PM 2:33

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Public Works Agency
DATE: February 28, 2012

RE: Resolution Authorizing The City Administrator, Or Her Designee To Award A Construction Contract To Beliveau Engineering Contractors, Inc., The Lowest Responsive And Responsible Bidder, For The Installation Of A Stormwater Trash Control Unit At 73rd Avenue And International Boulevard (Project No. C390710) In Accordance With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Nine Hundred And Eighty-Three Thousand, Five Hundred Dollars (\$983,500.00)

SUMMARY

A resolution has been prepared awarding a construction contract to Beliveau Engineering Contractors, Inc., the lowest responsive and responsible bidder, for the installation of a stormwater trash control unit at 73rd Avenue and International Boulevard (Project No. C390710) in accordance with plans and specifications for the project and contractor's bid in the amount of nine hundred and eighty-three thousand, five hundred dollars (\$983,500.00).

Funding for this project is provided by grants from the State Department of Water Resources Clean Water State Revolving Fund (CWSRF). The bid results are as follows:

Engineer's estimate	\$875,000.00
Andes Construction, Inc.	\$957,000.00
Beliveau Engineering Contractor's Inc.	\$983,500.00

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to execute a construction contract with Beliveau Engineering Contractors, Inc., in the amount of \$983,500.00 to install a new stormwater trash control unit. This project is entirely funded by ARRA (American Recovery and Reinvestment Act of 2009) grant through the State Water Resources Control Board (Resolution No. 82132 C.M.S.). Available funding is shown below:

Project Name	Project #	Fund	Org	Account	Amount
73 rd and International Stormwater trash separator	C390720	State of California fund (2159)	Streets Organization (92242)	Street Construction (57411)	\$1,009,962.00

Item: _____
 Public Works Committee
 February 28, 2012

Installation of stormwater trash control units increase maintenance efficiency by centralizing the collection of trash from drainage catch basins to one location.

BACKGROUND

Regulatory:

In October 2009, The Regional Water Quality Control Board issued a new Municipal Regional Stormwater Discharge Permit (MRP) that requires all cities to reduce the amount of trash in their storm drain systems by 40% by 2014. Additionally, in 2009 the Regional Water Quality Control Board listed Damon Slough on the Environmental Protection Agency's (EPA) 303(d) list of impaired water bodies for pollution from trash. Under these regulatory mandates and conditions, the City of Oakland is required to implement measures to capture or eliminate trash in all waterways and specifically in the EPA listed waterways. The installation of a stormwater trash control unit at 73rd Avenue and International Boulevard will help the City meet the new trash regulations.

Bid History:

On October 6, 2011, the City Clerk received two bids for this project in the amounts of \$957,000 and \$983,500.00. A summary is shown in *Attachment A*. Beliveau Engineering Contractors, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$875,000 and the two bids that the City received in the amounts of \$957,000.00 and \$983,500.00 reflect market prices. As indicated in the City's contact Compliance Report, the lowest bidders' bid for \$957,000.00 by Andes Construction was deemed non-responsive for failing to meet the minimum the L/SLBE (ARRA) and L/SLBE trucking participation requirements. The second bidder's bid for 983,500.00 by Beliveau Engineering Contractors, Inc met or exceeded the L/SLBE (ARRA) and L/SLBE trucking participation requirements.

Under the proposed contract with Beliveau Engineering Contractors, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 66%, which exceeds the minimum 35% LBE/SLBE participation threshold for ARRA funded projects.

The contractor also shows a participation of 100% for trucking, which exceeds 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 B*.

KEY ISSUES AND IMPACTS

The City of Oakland is required to meet existing state and federal clean water regulatory requirements and standards.

Installation of the 73rd Avenue and International Boulevard stormwater trash control unit will help the City of Oakland meet these regulatory mandates by installing a required full trash capture device to reduce trash in Damon Slough, increase the total amount of trash captured citywide, and protect water quality in the Oakland Estuary.

Additionally, installation of the trash capture device will increase the efficiency of trash removal by centralizing trash from catch basin areas into one location. The trash capture device will be serviced by maintenance one to four times per year.

PROJECT DESCRIPTION

The project is located in the intersection of 73rd Avenue and International Boulevard in council district six. The underground trash control unit will treat stormwater from 407 acres, and 177 individual street inlets to protect the downstream waterways of Arroyo Viejo Creek, Damon Slough, and the Oakland Estuary. The location was selected by comparing the amount of commercial zoning in the watershed, the watershed size, the number of stormwater inlets, the amount of trash observed, potential regulatory benefit, maintenance access, and engineering feasibility.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Beliveau Engineering Contractors, Inc. from a previously completed project is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: Installing the stormwater trash capture device will decrease the City's cost of meeting regulatory mandates and will stimulate the local economy through the construction contract.

Environmental: Installing the stormwater trash capture device will improve water quality in Oakland and the San Francisco Bay by preventing trash and other pollutants from entering the waterway and the Bay.

Social Equity: Installing the stormwater trash capture device will result in a healthier, cleaner, and more attractive experience for Oakland residents and visitors.

DISABILITY AND SENIOR CITIZEN ACCESS

This project has no impact on people with disabilities and senior citizens.

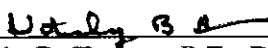
RECOMMENDATION AND RATIONALE

It is recommended that the City Council approve the resolution that authorizes the City Administrator, or his designee, to award a construction contract to Beliveau Engineering Contractors, Inc., the lowest responsive and responsible bidder, for the installation of a stormwater trash control unit at 73rd Avenue and International Boulevard (Project No. C390710) in accordance with plans and specifications for the project and contractor's bid in the amount of nine hundred and eighty-three thousand, five hundred dollars (\$983,500.00).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



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

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

Prepared by:
Lesley Estes, Supervisor
Watershed and Stormwater Management

**APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:**



Office of the City Administrator

Attachment B

Memo

City Administrator's Office

Contracts and Compliance Unit

To: Kevin Kashi – Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes – Contracts and Compliance Director *Deborah Barnes*
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Pelayo Llamas- Contracts and Compliance, Contract Administration
Date: October 18, 2011
Re: C390710- Rebid Storm Water Trash Control Unit at 73rd Ave. and International Blvd.
 American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Nbn
 Disadvantaged Business Enterprise (DBE)

The City Administrator's Office, Contracts and Compliance Unit, reviewed two (2) bids in response to the above referenced project. This is an American Recovery and Reinvestment Act (ARRA) – Stimulus Funds project. Below is the outcome of the compliance evaluation for the minimum 35% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Beliveau Engineering Contractors, Inc.	\$983,500.00	65.94%	0%	65.94%	100%	65.94%	5%	\$934,325.00	1%	Y

Comments: As noted above, Beliveau Engineering Contractors, Inc. met and/or exceeded the minimum 35% Local/Small Local Business Enterprise participation requirement. The firm is EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Andes Construction	\$957,000.00	.52%	0%	.52%	0%	0%	0%	\$0	0%	Y

Comments: As noted above, Andes Construction failed to meet 35% L/SLBE (ARRA) and 35% L/SLBE trucking 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: **Beliveau Engineering**
 Project Name: **Emergency Construction of permanent Improvements...2333 Tunnel Road...**
 Project No: **C995810**

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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
670	335	50%	421	100	421	0	0	100	101	15%	101	0

Comments: **Beliveau Engineering** exceeded the Local Employment Program's 50% resident hiring goal met the 15% Oakland Apprenticeship Program goals with 50.5 on-site hours and 50.5 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C390710

PROJECT NAME: Rebid-Storm Water Trash Control Unit at 73rd Ave. and International Blvd American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)

CONTRACTOR: Beliveau Engineering Contractors, Inc.

Engineer's Estimate:
\$875,000.00

Contractors' Bid Amount:
\$983,500.00

Over/Under Engineer's Estimate:
-\$108,500.00

Discounted Bid Amount:
\$934,325.00

Amount of Bid Discount:
\$49,175.00

Discount Points:
5.00%

- 1. Did the 35% requirements apply? **YES**

- 2. Did the contractor meet the 35% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **65.94%**

- 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) **5.00%**

- 5. Additional Comments.

Per the Project Manager, trucking is warranted on this project.

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

10/17/2011
Date

Reviewing Officer:

[Signature]

Date: **10/17/2011**

Approved By:

[Signature]

Date: **10/17/2011**

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name:		Rebid-Storm Water Trash Control Unit at 73rd Ave. and International Blvd American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)											
Project No.:			Engineers Est:			Under/Over Engineers Estimate:							
C390710			\$875,000.00			-\$103,500.00							
Discipline	Primo & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	USLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	CB		630,000.00	630,000.00			630,000.00	C			
Trucking	Williams Trucking	Oakland	CB		15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	AA	15,000.00		
Precast Supply	Contech Construction Product	SF	UB						295,000.00	NL			
Striping	Lineation Markings	Oakland	CB		3,500.00	3,500.00			3,500.00	C			
Electrical	Phoenix Electric	SF	UB						40,000.00	AP	40,000		
Project Totals				\$0.00	\$648,500.00	\$648,500.00	\$15,000.00	\$15,000.00	\$983,500.00		\$55,000.00	\$0	
				0.00%	65.94%	65.94%	100.00%	100.00%	100.00%		5.59%	0.00%	
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 16%	SLBE 25%	TOTAL LBE/SLBE	36% 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			

CONTRACTS AND COMPLIANCE UNIT



Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C390710

PROJECT NAME: Rebid-Storm Water Trash Control Unit at 73rd Ave. and International Blvd
American Recovery and Reinvestment Act (ARRA) – Stimulus Funds
Project—Non Disadvantaged Business Enterprise (DBE)

CONTRACTOR: Andes Construction

<u>Engineer's Estimate:</u> \$875,000.00	<u>Contractors' Bid Amount:</u> \$957,000.00	<u>Over/Under Engineer's Estimate:</u> -\$82,000.00
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount:</u> \$0.00	<u>Discount Points:</u> 0.00%
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- 1. Did the 35% requirements apply? **YES**

- 2. Did the contractor meet the 35% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **0.52%**

- 3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total SLBE/LBE trucking participation **0.00%**

- 4. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **0.00%**

5. Additional Comments.

Per the Project Manager, trucking is warranted on this project. Contractor failed to meet 35% L/SLBE (ARRA) and 35% Trucking participation requirement. Therefore, they are deemed non-responsive.

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

10/17/2011

Date

Reviewing Officer:

[Signature]

Date: **10/17/2011**

Approved By:

Shelley Darenburg

Date: **10/17/2011**

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: **Rebid-Storm Water Trash Control Unit at 73rd Ave. and International Blvd American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE)**

Project No.: C390710		Engineers Est: \$875,000.00				Under/Over Engineers Estimate: -\$82,000.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Saw Cut Trucking	Andes Construction	Oakland	UB						942,000.00	H	942,000.00	
	Bay Line Concrete Cutting & Coring	Oakland	CB		5,000.00	5,000.00			5,000.00	H	5,000.00	
	Foston Trucking	Oakland	UB					10,000.00	10,000.00	AA	10,000.00	
Project Totals				\$0	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$957,000.00		\$957,000.00	\$0.00
				0.00%	0.52%	0.52%	0.00%	100.00%	100.00%		100.00%	0.00%
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 15%	SLBE 25%	TOTAL LBE/SLBE	35% 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				US = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise				

Attachment C

City of Oakland
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: 915-939 66TH AVENUE SITE DEMOLITION & PREPARATION

Work Order Number (if applicable): _____

Contractor: BELIVEAU ENGINEERING CONTRACTORS

Date of Notice to Proceed: 4-18-11

Date of Notice of Completion: 8-26-11

Date of Notice of Final Completion: 8-26-11

Contract Amount: \$1,092,189.75

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 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.

Contractor: BELIVEAU ENGR. Project No. C423910

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 checked="" type="checkbox"/>	<input 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 checked="" 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"/>	

Contractor: BELVEAU ENAR Project No. C423910

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"/>	

Contractor Belvea Encls Project No. C423910

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 = .50
- 2. Enter Overall score from Question 13 2 X 0.25 = .50
- 3. Enter Overall score from Question 18 2 X 0.20 = .40
- 4. Enter Overall score from Question 22 2 X 0.15 = .30
- 5. Enter Overall score from Question 28 2 X 0.15 = .30

TOTAL SCORE (Sum of 1 through 5): 2.0

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-

Contractor: BELVEAU ENGRS. Project No. C423910

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.

Contractor: BELIVEAU ENGRS. Project No. C423910

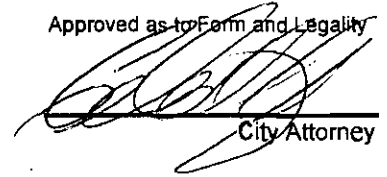
C14h

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 FEB 16 PM 2:33

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE INSTALLATION OF A STORMWATER TRASH CONTROL UNIT AT 73RD AVENUE AND INTERNATIONAL BOULEVARD (PROJECT NO. C390710) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF NINE HUNDRED AND EIGHTY-THREE THOUSAND, FIVE HUNDRED DOLLARS (\$983,500.00)

WHEREAS, on October 6, 2011, two bids were received by the Office of the City Clerk of the City of Oakland for the installation of a stormwater trash control unit at 73rd Avenue and International Blvd; and

WHEREAS, Beliveau Engineering Contractors, inc., a certified SLBE; is deemed the lowest responsive and responsible bidder for the project, and

WHEREAS, Beliveau Engineering Contractors, Inc., complies with all performance tracking requirements; and

WHEREAS, the installation of the stormwater trash control unit is funded by a grant from the State Water Resources Control Board (Resolution No. 82132 C.M.S.); and

WHEREAS, the installation of the stormwater trash control unit at 73rd Avenue and International Boulevard will help the City of Oakland meet Clean Water Act regulatory mandates to reduce trash in stormwater; and

WHEREAS, the installation of the stormwater trash control unit at 73rd Avenue and International Boulevard will help the City of Oakland improve water quality and to meet regulatory standards in response to the Regional Water Quality Control Boards listing of Damon Slough on the US EPA 303(d) list of trash impaired water bodies; and

WHEREAS, there is sufficient funding for the work under the following project account:

Project Name	Project #	Fund	Org	Account	Amount
73 rd and International Stormwater trash separator	C390720	State of California fund (2159)	Streets Organization (92242)	Street Construction (57411)	\$1,009,962.00

funds shown above were specifically allocated for this project; and

WHEREAS, the City Council find that the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; now, therefore, be it

RESOLVED: That the construction contract for the installation of a stormwater trash control unit at 73rd Avenue and International Boulevard (Project No. C390710) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with the project plans and specifications and the contractor's bid dated October 6, 2011, for the amount of nine hundred and eighty-three thousand, five hundred dollars (\$983,500.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the 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, \$983,500.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$983,500.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc., 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 in the event the contractor awarded by this resolution is determined to be unresponsive in the timely execution of the contract as specified by the project specifications, and there is no next responsive and responsible bidder, the City Administrator may proceed to hire or have the services performed in the open market pursuant to the City of Oakland Purchasing Ordinance Section 2.04.050; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and award the contract for the Installation of a Stormwater Trash Control Unit at 73rd Avenue and International Boulevard (Project No. C390710) for an amount up to (\$983,500.00) to the next responsible bidder; and be it

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

FURTHER RESOLVED: That the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

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, _____, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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