



AGENDA REPORT

2013 JUN 27 PM 3:06

**TO: DEANNA J. SANTANA
CITY ADMINISTRATOR**

FROM: Vitaiy B. Troyan, P.E.

**SUBJECT: Mandela Parkway
Landscape Maintenance Contract**

DATE: June 7, 2013

City Administrator
Approval

Date

6/25/13

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the City Administrator or her designee to award and execute a landscape maintenance contract to Bay Construction, the lowest responsive and responsible bidder, for the Mandela Parkway, for a term of two (2) years in an amount not to exceed two hundred twenty four thousand nine hundred dollars (\$224,900.00), or \$112,450.00 annually, in accord with Contractor's bid, with two (2) one-year extensions upon the same contract price, terms and conditions, and at the city's discretion based upon funding, need and satisfactory performance. The grand total contract amount for the two year initial term and two (2) one year extensions is four hundred forty nine thousand eight hundred dollars (\$449,800.00).

EXECUTIVE SUMMARY

The Mandela Parkway, between 8th Street and 32nd Street, was originally the site of the elevated Cypress structure of Highway 17 (now 880) which bisected the West Oakland community. The Cypress structure collapsed in the 1989 Loma Prieta earthquake and was demolished. CalTrans, the City and the Community Advisory Committee worked together to create a plan to eliminate blight and benefit the surrounding community. Highway 880 was re-located and the Mandela Parkway was re-designed as a fully landscaped, tree-lined parkway. There are approximately 16 developed acres which includes trees, landscaped beds, turf, walkways, drinking fountains, and lighting.

OUTCOME

Approving this resolution will authorize the City Administrator to award and execute a maintenance contract with Bay Construction, the lowest responsive and responsible bidder for a term of Two (2) Years in an Amount Not to Exceed Two Hundred Twenty Four Thousand Nine Hundred Dollars (\$224,900.00), or \$112,450.00 annually. The City will have two -options to

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extend the contract upon the same contract price, terms and conditions, each for an additional one-year term at the City's discretion at \$112,450.00 per year. If everything works out, this will provide Mandela Parkway maintenance through 2017.

BACKGROUND/LEGISLATIVE HISTORY

In 2008, the City contracted with RMT Landscape Contractors to maintain the developed parkway. RMT was CalTran's landscape contractor and they were very familiar with Mandela Parkway and its maintenance. In September 2012, Coast Landscape Management was awarded a contract not to exceed \$99,000 to maintain Mandela Parkway and the current contract will expire August 8, 2013.

Maintaining Mandela Parkway area is imperative to the continued growth of this West Oakland neighborhood. Due to budget cuts in park maintenance, the City does not have personnel to maintain an additional 16 acres of landscape. This contract is required to maintain the Parkway landscaping project that was completed by Caltrans in 2005. The contractor agrees to furnish all supervision, inspection, reporting, tools, equipment, materials, and labor necessary to maintain the landscaping (ground cover, turf, shrubs, trees, and sprinkler system) in a healthy, green, neat and orderly appearance at all times.

ANALYSIS

On March 14, 2013, the City Clerk received three (3) bids from Bay Construction, DC Construction, and Bayscape Management for the project as shown on **Attachment A: Bid Results** (March 22, 2013). The department of Contracts and Compliance conducted their Compliance Analysis and deemed Bay Construction (an Oakland based company) as the lowest responsible bid. Although DC Construction met basic requirements as well, their bid was higher than Bay Construction. Bayscape Management failed to meet the minimum 50% L/SLBE participation requirement and was therefore deemed non-responsive.

PUBLIC OUTREACH/INTEREST

Notices to Bidders and information about the project were sent to perspective bidders through CIPList.com. A voluntary Pre-Bid meeting was held on February 19, 2013 for interested parties, and they were allowed to ask questions about the project.

COORDINATION

The project scope has been internally coordinated within the Public Works Agency. This report has also been coordinated with the department of Contracts and Compliance, Budget Office and City Attorney's Office.

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COST SUMMARY/IMPLICATIONS

FISCAL IMPACT: Approval of this resolution will authorize the City Administrator to award and execute a construction contract in a grand total contract amount of \$449,800.00 for the landscape maintenance of Mandela Parkway. Funding for this landscape maintenance contract will come from the Landscape and Lighting District Fund, Fund 2310, Org 30652.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Bay Construction's last performance evaluation was Satisfactory. See **Attachment B:** Contractor Evaluation (January 7, 2013)

SUSTAINABLE OPPORTUNITIES

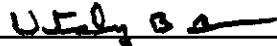
Economic: This vendor has a valid City of Oakland business tax license. The award of this contract will yield business tax revenues to the City of Oakland.

Environmental: Maintenance will include mowing the turf, edging, trash, debris removal, and vegetation management. All services will be performed compliant with City standards for Environmental Preferable Purchasing Policy (EPP), and Resolution 73968 C.M.S. date December 16, 1997, for adopting integrated pest management policies.

Social Equity: Not Applicable

For questions regarding this report, please contact Brian Carthan, Park Supervisor II, at (510) 615-5510.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Brooke Levin, Assistant Director

Prepared by:
Brian Carthan, Park Supervisor II
Park and Building Services, PWA

Attachments:

- Attachment A: Bid Results (March 22, 2013)
- Attachment B: Contractor Evaluation (January 7, 2013)

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INTER OFFICE MEMORANDUM

TO: Brian Carthens
Park Supervisor, II

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

SUBJECT: Compliance Analysis
Mandela Parkway Landscape Maintenance

DATE: March 22, 2013

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$224,900	100%	0%	100%	0%	NA	100%	5%	\$213,655	Y
DC Construction, Inc.	\$239,800	78.57%	0%	78.57%	0%	NA	78.57%	3%	\$232,606	N

Comments: As noted above, both firms met and/or exceeded the minimum 50% L/SLBE participation requirement. DC Construction, Inc. is not EBO compliant. They will have to come into compliance prior to contract award.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bayscape Management	\$198,480	0%	0%	0%	0%	NA	0%	0%	\$0	N

Comments: Bayscape Management failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is 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: Bay Construction
 Project Name: Morcom Rose Garden Improvements
 Project No: G377710

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	224
Were all shortfalls satisfied?	No	If no, penalty amount	\$21,619.80

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	183.6
Were shortfalls satisfied?	No	If no, penalty amount?	\$ 10,484.31

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	Apprenticeship	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	C	D	D	E	F	G	H	I	I	J
5636	0	50%	2818	92%	2594	0	224	92%	8	15 %	845.5	183.6

Comments: Bay Construction did not meet the Local Employment Program's 50% resident hiring goal with resident employment and did not meet the 15% Oakland Apprenticeship Program goals with 0 on site and 0 off-site hours

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

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: TBD

PROJECT NAME: Mandela Parkway Landscape Maintenance

CONTRACTOR: Bay Construction Company

Engineer's Estimate:
\$240,000

Contractors' Bid Amount
\$224,900.00

Over/Under Engineer's Estimate
\$15,100.00

Discounted Bid Amount:
\$213,655.00

Amount of Bid Discount
\$11,245.00

Discount Points:
5%

1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
- a) % of LBE participation 0.00%
- b) % of SLBE participation 100.00%
- c) % of VSLBE participation 0.00%
3. Did the contractor meet the Trucking requirement? NA
- a) Total SLBE/LBE trucking participation 0%
4. Did the contractor receive bid discounts? YES
- (if yes, list the percentage received) 5%
5. Additional Comments.

Per the project manager, trucking is not required on this project.

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

3/22/2013

Date

Reviewing
Officer:

Vivian Janna

Date: 3/22/2013

Approved By

Shelley Darenburg

Date: 3/22/2013

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Mandela Parkway Landscape Maintenance													
Project No.: TBD		Engineers Est: 240,000				Under/Over Engineers Estimate: 15,100							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE/LPG <small>*double counted value</small>	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Bay Construction Company	Oakland	CB		224,900		224,900			224,900	A	224,900	
Project Totals				\$0.00	\$224,900	\$0	\$224,900	\$0	\$0	\$224,900		\$224,900	\$0.00
				0.00%	100.00%	0.00%	100.00%	100%	100%	100%		100.00%	0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.											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		
SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: TBD

PROJECT NAME: Mandela Parkway Landscape Maintenance

CONTRACTOR: DC Construction, Inc.

<u>Engineer's Estimate:</u> \$240,000	<u>Contractors' Bid Amount</u> \$239,800.00	<u>Over/Under Engineer's Estimate</u> \$200.00
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<u>Discounted Bid Amount:</u> \$232,606.00	<u>Amount of Bid Discount</u> \$7,194.00	<u>Discount Points:</u> 3%
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1. Did the 50% local/small local requirements apply? **YES**

2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **79%**
 - c) % of VSLBE participation **0.00%**

3. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total SLBE/LBE trucking participation **0%**

4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **3.00%**

5. Additional Comments.

Per the project manager, trucking is not required on this project.

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

3/22/2013

Date

**Reviewing
Officer:**

Vincent Roman

Date: 3/22/2013

Approved By:

Shelley Darenburg

Date: 3/22/2013

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Mandela Parkway Landscape Maintenance														
Project No.: TBD		Engineers Est: 240,000					Under/Over Engineers Estimate: 200							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE/LPG *double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME Landscape Maintenance	DC Construction, Inc.	Oakland	UB							51,400.00	C			
	RMT Landscape	Oakland	CB		188,400		188,400			188,400	H	188,400		
Project Totals				\$0.00	\$188,400.00	\$0.00	\$188,400	\$0.00	\$0.00	\$239,800.00		188,400	\$0	
				0.00%	78.57%	0.00%	78.57%	0.00%	0.00%	100%		0%	0%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPG/VSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian N = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: TBD

PROJECT NAME: Mandela Parkway Landscape Maintenance

CONTRACTOR: Bayscape Management

<u>Engineer's Estimate:</u> \$240,000	<u>Contractors' Bid Amount</u> \$198,480.00	<u>Over/Under Engineer's Estimate</u> \$41,520.00
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0%
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1. Did the 50% local/small local requirements apply? **YES**

2. Did the contractor meet the 50% requirement? **NO**
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **0%**
 - c) % of VSLBE participation **0%**

3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **0%**

4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0%**

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive. Per the project manager, trucking is not required on this project.

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

3/22/2013

Date

**Reviewing
Officer:**

Virvia Janna

Date: 3/22/2013

Approved By:

Shelley Darenalung

Date: 3/22/2013

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Mandela Parkway Landscape Maintenance													
Project No.: TBD		Engineers Est: 240,000				Under/Over Engineers Estimate: 41,520							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted %/%	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Bayscape Management	Alviso	UB							198,480.00	NL		
Project Totals				\$0.00 0%	\$0 0%	\$0.00 0%	\$0 0%	\$0.00 0%	\$0.00 0%	\$198,480.00 100%		0 0.00%	\$0 0%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A UPGVSLBE's participation is double counted towards meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed UO = Multiple Ownership		
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ATTACHMENT B

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

Project Number/Title: C376710, C377010, C373810, C290810 - Leveling the Playing Fields Phase II

Work Order Number (if applicable): _____

Contractor: Bay Construction

Date of Notice to Proceed: 10/21/2011

Date of Notice of Completion: 01/07/2013

Date of Notice of Final Completion: 01/07/2013

Contract Amount: \$1,644,445.57 / \$1,738,064.09

Evaluator Name and Title: Elise Ramirez - Assistant 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input 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 checked="" 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 checked="" type="checkbox"/>	No <input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

PROCEDURE:

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

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

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


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

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

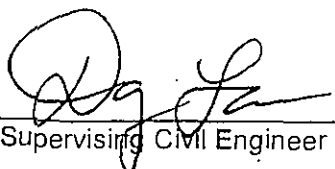
The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

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

Contractor / Date

 1/22/13

Resident Engineer / Date

 01/25/13

Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

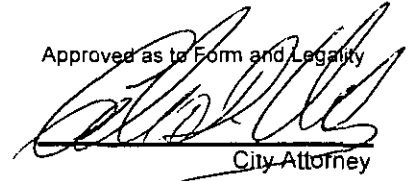
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 JUN 27 PM 3:06

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO AWARD AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACT TO BAY CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE MANDELA PARKWAY, FOR A TERM OF TWO (2) YEARS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY FOUR THOUSAND NINE HUNDRED DOLLARS (\$224,900.00) OR \$112,450.00 ANNUALLY, IN ACCORD WITH CONTRACTOR'S BID, WITH TWO (2) ONE-YEAR EXTENSIONS OF THE CONTRACT AT THE CITY'S DISCRETION BASED UPON FUNDING, NEED AND SATISFACTORY PERFORMANCE, FOR A GRAND TOTAL CONTRACT AMOUNT FOR A TWO YEAR TERM AND TWO (2) ONE YEAR EXTENSIONS OF FOUR HUNDRED FORTY NINE THOUSAND EIGHT HUNDRED DOLLARS (\$449,800.00)

WHEREAS, the Mandela Parkway (formally the elevated Cypress structure of Highway 17), was flattened and then demolished after the 1989 Loma Prieta earthquake; and

WHEREAS, Caltrans, the City and the Community Advisory committee worked together to create a plan to eliminate blight and benefit the surrounding community and the result was the tree-lined and fully landscaped Mandela Parkway; and

WHEREAS, the Mandela Parkway project was constructed and maintained by CalTrans' contractor; and

WHEREAS, in 2008 the City of Oakland contracted the landscape maintenance to RMT Landscape Contractors who was the original landscape contractor; and

WHEREAS, in 2012 the City of Oakland contracted the landscape maintenance to Coast Landscape Management and this contract will expire on December 31, 2013; and

WHEREAS, it was determined that it was in the City's best interest to rebid the contract; and

WHEREAS, on March 14, 2013, 3 bids were received by the Office of the City Clerk for this contract; and

WHEREAS, 1 of the 3 bids were deemed non-responsive to City's Local Business Enterprise/ Small Local Business Enterprise (LBE/SLBE), trucking or bid submittal requirements; and

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

performance of this contract is in the public interest because of economy or better performance;
and

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

RESOLVED, That the City Administrator or her designee is authorized to award and execute a landscape maintenance contract to Bay Construction, the lowest responsive and responsible bidder, for the Mandela Parkway in the amount not to exceed two hundred twenty four thousand nine hundred dollars (\$224,900.00), (or \$112,450.00 annually) with two (2) one-year extensions at the City's discretion based upon funding, need, and satisfactory performance, for a grand total contract amount of \$449,800.00; and be it

FURTHER RESOLVED, That the City Council hereby approves the plans and specifications prepared at the direction of the Director of the Public Works Agency for this contract; and be it

FURTHER RESOLVED, That the City Administrator or her designee is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, That Bay Construction shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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