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OFFICE OF THE CITY CLERK  
OAKLAND

2015 APR -1 AM 12:54

## AGENDA REPORT

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** Caldecott Settlement Bike/Ped  
Improvements Award Contract

**DATE:** March 5, 2015

City Administrator  
Approval

Date:

3/31/15

**COUNCIL DISTRICT:** District 1

### **RECOMMENDATION**

Staff recommends that the City Council approve a resolution rejecting all bids, waiving further advertising and bidding; and authorizing the City Administrator or designee, to negotiate with bidders and execute a construction contract, without return to council, in accordance with the plans and specifications, for the Caldecott Fourth Bore Settlement Project #9 and #14, along Broadway from Keith Avenue to Golden Gate Way (City Project No. C369520), in an amount not to exceed One Million Eight-Hundred Eighty Four Thousand Two Hundred and Fifteen Dollars (\$1,884,215.00) for the base bid and a bid alternate.

### **OUTCOME**

Approval of this resolution will allow for the award of a construction contract at a reasonable, negotiated cost, and the construction of substantial traffic safety and bicycle/pedestrian facility improvements and roadway resurfacing on Broadway between Keith Avenue and Golden Gate Way. Caldecott Settlement funds, and Measure B matching funds, are available for the proposed work.

### **EXECUTIVE SUMMARY**

On December 19, 2014, three bids were received ranging from \$1,989,215.00 to \$2,064,168.30. All bids substantially exceeded the Engineer's Estimate of \$1,549,647.00. After review of the Engineer's Estimate and scope, it was determined that the project could be constructed within the project budget through modifications to construction materials, and staging without reducing the scope of work. Therefore, staff recommends negotiating with project bidders to reduce project costs to within the available budget.

The Resolution authorizes the City Administrator or designee, to negotiate and execute a contract with project bidders within the project budget and to negotiate compliance with the City's local business and employment program requirements. Negotiations will take place starting with the

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lowest bidder, per Public Works' standard past practice; if the City and the contractor cannot come to terms, negotiations will then continue with the next lowest bidder, and so on, until an agreement can be reached.

Negotiating a contract rather than re-bidding the project will save the City substantial time to re-advertise and rebid the project. Sufficient funds are available to execute a construction contract up to \$1,884,215.00. The prospective contractor will be required to meet all the City local business and employment program requirements.

The project will significantly reconfigure the roadway along Broadway between Keith Avenue and Golden Gate Way to improve safety for all users, parallel bicycle path (also called a cycle track) will be erected, and a signalized pedestrian crossing added. (See map, *Attachment A*)

### **BACKGROUND/LEGISLATIVE HISTORY**

As a part of the mitigation settlement for the Caldecott Fourth Bore on Highway 24, the City received funds in the amount of about Eight million dollars to implement projects that improve bicycle, pedestrian and transit traffic and connectivity in the area identified to be impacted from the project area throughout the Rockridge and Temescal Community Districts. The project herein is a part of several projects that will be implemented under the settlement agreement requirements.

The project will reconstruct Broadway between Keith Avenue and Golden Gate Way to improve safety by slowing vehicle speeds and adding new bicycle facilities as per the City's Bicycle Master Plan, and help improve pedestrian amenities and safety. Features include the construction of a cycle track (a bicycle path that is separated physically from vehicle traffic with a narrow median) with a bicycle signal at Broadway and Keith Avenue; a new pedestrian crossing signal at Broadway and Patton; rain gardens at the Patton Street and Brookside Avenue intersections; roadway repairs and resurfacing of Broadway; new Americans with Disability Act (ADA) compliant curb ramps and sidewalk repairs and other related work.

This project is funded through the Caldecott 4<sup>th</sup> Bore Settlement funds from Caltrans, and Measure B matching funds. Construction work is anticipated to begin in late summer 2015 and should be completed by spring 2016.

### **ANALYSIS**

On December 19, 2014, the City Clerk received three bids for the project in the amount of:

- \$1,989,215.00 (base bid) from Gallagher & Burk (with \$95,000 for 3 bid alternates)
- \$2,063,351.65 (base bid) from Ghilotti Bros. Inc. (with \$75,000 for 3 bid alternates)
- \$2,064,168.30 (base bid) from Gordon N. Ball Inc. (with \$85,200 for 3 bid alternates)

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For the lowest bidder, Gallagher & Burk, Inc., the Local Business Enterprise (LBE) participation is 71.90% and Small Local Business Enterprise (SLBE) participation will be 11.31% which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 80% for trucking, which exceeds the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires on the project (on a craft-by-craft basis) 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*.

The Ghilotti Bros. Inc. bid did not meet the 50% L/SLBE participation requirement and is therefore deemed non-compliant. The bid from Gordon N. Ball included 3.35% LBE and 48.75% SLBE participation and 100% Local Trucking.

The lowest base bid from Gallagher and Burk was \$1,989,215.00, placing it \$442,568.00 (29%) over the Engineer's Estimate of \$1,546,647. Staff's review of the Engineer's Estimate revealed that construction costs in the San Francisco Bay Area had escalated significantly during the design process, and that the recommended contract amount represents a reasonable current construction cost. However, analysis reflect that changes in construction staging and other changes could reduce the cost up to \$150,000. There will be no reduction in the final built project.

Oakland Municipal Code (OMC) Title 2, Chapter 2.04, Article I, Section 2.04.050 requires that where the cost of services, supplies or combination required by the City exceeds \$50,000, the City Clerk shall call for formal bids by advertising at least once in the official newspaper of the City not less than ten calendar days before the date for receiving bids. However, OMC Title 2, Chapter 2.04, Article I, Section 2.04.050.I.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City.

Staff recommends that based on the information as stipulated and set forth above, that the Council finds and determines that it is in the best interests of the City to waive further advertising, competitive bidding because it will result in substantial cost savings.

#### **PUBLIC OUTREACH/INTEREST**

The project has had extensive outreach, feedback, and positive community support. On February 13<sup>th</sup>, 2013, a meeting was held with residents in the project vicinity at the College Preparatory School. Residents offered feedback that was incorporated into the design. On October 17<sup>th</sup>, 2013, another meeting coordinated by the Rockridge Community Planning Council was held with a larger audience, in order to explain the progress of the design effort. On January 16<sup>th</sup>, 2014, another meeting was held to update the community on the overall progress of all Caldecott Settlement Projects, this project being included as part of the updates. Finally on February 20<sup>th</sup>

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2014, the project was presented to the Bicycle and Pedestrian Advisory Committee, and it received positive support from the Committee.

Overall feedback from the community has been very positive throughout the development of the project. The level of public interest in the project has led the College Preparatory school to send staff a letter of intent to maintain the rain gardens being installed by the project, thereby reducing the demand on City maintenance resources.

### **COORDINATION**

The work to be done under this contract was coordinated with all Bureaus in Public Works and the following Utility companies: Integral Telecom, Zayo, PG&E, EBMUD, AT&T, Level3, Comcast, and Verizon. In addition, the Office of the City Attorney and Controller's Bureau reviewed this report and resolution.

### **COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator to negotiate on the open market execute a construction contract, including one bid alternate, in the amount of \$1,884,215.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Final Construction Contract (Base bid)	\$1,839,215
Bid Alternate (Construction Surveying)	\$ 45,000
<u>Total Construction Contract:</u>	<u>\$1,884,215</u>
2. COST ELEMENTS OF FINAL AGREEMENT/CONTRACT: \$1,884,215
3. SOURCE OF FUNDING:
  - Caldecott Settlement Funds (2140); Transportation Services Organization (92246); Street Construction Account (57411); Broadway Keith to Golden Gate Way Bike Pedestrian Project (C369520); \$1,384,215 ;
  - Measure B: ACTIA Fund (2211); Transportation Services Organization (92246); Street Construction Account (57411); Matching Funds for Grant Funded Projects (C370010); \$500,000.
4. FISCAL IMPACT: This project will rehabilitate and reconstruct Broadway between Keith Avenue and Golden Gate Way, upgrade an existing traffic signal, and improve existing pavement conditions and sidewalk conditions, which will reduce the short-term traffic signal and street pavement maintenance demand within the project area.

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### **FISCAL/POLICY ALIGNMENT**

The project elements are consistent with the City of Oakland's 2002 Pedestrian Master Plan policy recommendations of increasing pedestrian safety, providing pedestrian access, and providing pedestrian amenities that enhance public spaces. The project will also implement the proposed bike path along Broadway in the City of Oakland's 2007 Bicycle Master Plan. The project will be ADA compliant by installing a crossing at the Broadway and Patton intersection, where currently one does not exist. Overall, the project will implement "Complete Streets" design standards in accordance with City Ordinance No. 13153 C.M.S.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The contractor past performance will be considered in the course of negotiation and final selection.

### **SUSTAINABLE OPPORTUNITIES**


*Economic:* This project will improve pedestrian, bicyclist, and pavement conditions, enhancing and protecting the road users and City's infrastructure. It will also create job opportunities for local work force and contractors. Complete streets concept used in the project design meets all modes of transportation requirements; it reflects well on the community, improves livability and indirectly improves the business climate.

*Environmental:* Streets are reconfigured and improved to better serve pedestrian and bicycle modes of transportation encouraging the public to rely less on automobiles, thereby improving regional air quality. The improved pavement conditions and modernized traffic signals also reduce vehicle wear and tear and increase fuel efficiency for those vehicles that continue to utilize the roadway.

*Social Equity:* This project will significantly help preserve the City's infrastructure, enhance pedestrian and bicyclist access and protect the public from hazardous conditions.

For questions regarding this report, please contact Wladimir Wlassowsky, P.E., Transportation Services Division Manager at (510) 238-6383.

Respectfully submitted,



**BROOKE A. LEVIN**

**Director, Oakland Public Works**

Reviewed by:

Michael J. Neary, P.E., Assistant Director  
OPW, Bureau of Engineering and Construction

Reviewed by:

Wladimir Wlassowsky, P.E., Manager,  
Transportation Services Division

Prepared by:

Ade Oluwasogo, P.E., Supervising Transportation Engineer  
Transportation Services Division

**Attachments (4)**

**Attachment A: Location Map**

**Attachment B: Compliance Analysis**

**Attachment C: Canvas of Bids**

**Attachment D: Contractor Evaluation**

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This is a detailed street map of the Rock Ridge area in San Francisco. The map shows a network of streets including Chabot, S.F. Blvd, Golden Gate Blvd, and Rock Ridge Blvd. A specific area is highlighted with a hatched pattern and labeled 'PROJECT AREA'. The map also shows the intersection of Rock Ridge Blvd with other major roads like Chabot and S.F. Blvd. The map is oriented with North at the top, as indicated by a north arrow in the upper right corner. The map is a black and white line drawing with labels for various streets and landmarks.

Streets shown include: CHABOT, S.F. BLVD, GROVE-SHAFTER, BROADWAY, MARGARIDO DR, OCEAN VIEW DR, ROCK RIDGE BLVD, MENDOCINO AVE, LAWTON, PATTON ST, HEARN CT, CHABOT CLOVER, CHABOT, CREST, MANOR CREST, MANOR, CREST, BEATA PL, RD, S.F. BLVD, GROVE-SHAFTER, GOLDEN GATE, GOLDEN GATE BLVD, BROADWAY, BROOKSIDE, OCEAN VIEW, MANCHESTER, ALPINE, ROCK RIDGE BLVD NORTH, ROCK RIDGE BLVD SOUTH, MARGARIDO, OCEAN VIEW, BROOKSIDE, ALPINE, MENDOCINO AVE, LAWTON, PATTON ST, HEARN CT, CHABOT CLOVER, CHABOT, CREST, MANOR CREST, MANOR, CREST, BEATA PL, RD, S.F. BLVD, GROVE-SHAFTER, GOLDEN GATE, GOLDEN GATE BLVD, BROADWAY, BROOKSIDE, OCEAN VIEW, MANCHESTER, ALPINE, ROCK RIDGE BLVD NORTH, ROCK RIDGE BLVD SOUTH, MARGARIDO, OCEAN VIEW, BROOKSIDE, ALPINE, MENDOCINO AVE, LAWTON.

Other labels include: PROJECT AREA, CHABOT, S.F. BLVD, GROVE-SHAFTER, BROADWAY, MARGARIDO DR, OCEAN VIEW DR, ROCK RIDGE BLVD, MENDOCINO AVE, LAWTON, PATTON ST, HEARN CT, CHABOT CLOVER, CHABOT, CREST, MANOR CREST, MANOR, CREST, BEATA PL, RD, S.F. BLVD, GROVE-SHAFTER, GOLDEN GATE, GOLDEN GATE BLVD, BROADWAY, BROOKSIDE, OCEAN VIEW, MANCHESTER, ALPINE, ROCK RIDGE BLVD NORTH, ROCK RIDGE BLVD SOUTH, MARGARIDO, OCEAN VIEW, BROOKSIDE, ALPINE, MENDOCINO AVE, LAWTON.

## Attachment B

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# INTER OFFICE MEMORANDUM

**TO:** Mohamed Alaoui,  
Civil Engineer

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

**SUBJECT:** Compliance Analysis

**DATE:** January 6, 2015

Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project  
Project No. C369520

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.

Compliant 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 /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Gallagher & Burk	\$1,989,215.00	71.90%	49.53%	11.31%	11.06%	80%	71.90%	5%	\$1,889,754.25	Y
Gordon N. Ball, Inc.	\$2,064,168.30	59.34%	3.35%	48.71%	7.78%	100%	59.34%	5%	\$2,002,243.25	Y

**Comments:** As noted above, both firms met and/or exceeded the minimum 50% L/SLBE participation requirement. Both firms are EBO compliant.

\*Proposed VSLBE/LPG participation for Gallagher & Burk is valued at 11.06%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 22.12% and the proposed VSLBE/LPG participation for Gordon N. Ball, Inc. is valued at 7.78% and the double counted percentage is 15.56%.

Non-Compliant 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 /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Ghilotti Bros, Inc.	\$2,063,351.65	26.69%	6.20%	12.00%	8.48%	100%	26.69%	0%	NA	Y

**Comments:** As noted above, Ghilotti Bros, Inc. failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-compliant with the L/SLBE participation requirement.

### 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.

**Project Name: Citywide Street Rehabilitation and Reconstruction- Phase I; Project No: C369620**

#### **50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	217
Were all shortfalls satisfied?	No	If no, penalty amount	\$19,376.74

#### **15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	373
Were shortfalls satisfied?	No	If no, penalty amount?	\$11,044.52

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
9371	0	50%	4686	95%	4459	0	217	95%	1406	73%	1033	373

**Comments:** Gallagher & Burke did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals.

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



## Contracts and Compliance Project Evaluation Report

Project No: C369520

Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project

Contractor: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$1,546,647.00	\$1,989,215.00	(\$442,568.00)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$1,889,754.25	\$99,460.75	5.00%

1. Did the 50% Local/Small Local requirement apply? Yes

2. Did the contractor meet the 50% requirement? Yes

a) % of LBE participation	<u>49.53%</u>	
b) % of SLBE participation	<u>11.31%</u>	
c) % of VSLBE/LPG participation	<u>11.06%</u>	<u>22.12% (double counted value)</u>

3. Did the contractor meet the Trucking requirement? Yes

a) % of SLBE/LBE trucking participation	<u>0.00%</u>
b) % of VSLBE trucking participation	<u>80.00%</u>

4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 5.00%

5. Additional Comments \*Proposed VSLBE/SPG participation is valued at 11.06%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 22.12%.

6. Date evaluation completed and returned to initiating department. 1/6/2015

Reviewing Officer: Vivian Inman

Reviewing Officer Date: 1/6/2015

Approved By: Shelley Darenburg

Approved By Date: 1/6/15

# LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 1**

**Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project**

**Project No: C369520**

**Engineers Estimate: \$1,546,647.00**

**Under/Over Engineers Estimate: (\$442,568.00)**

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
												Eth	MBE	WBE
1	Prime	Gallagher & Burk, Inc.	Oakland	CB	931,760.00							C		
2	AC Supplier	Gallagher & Burk, Inc.	Oakland	CB			120,000.00					C		
3	AB Supplier	Argent Materials	Oakland	UB							15,000.00	C		
4	Trucking	Monroe Trucking	Oakland	CB			100,000.00	100,000.00				AA	100,000.00	
5	Trucking	Double D. Transportation	Dublin	UB						10,000.00	10,000.00	C		
6	Minor	Rosas Brothers Construction	Oakland	CB		210,000.00						H	210,000.00	
7	Electrical	Columbia Electric	San Leandro	UB							429,000.00	C		429,000.00
8	Signs/Striping	Lineation Markings Corporation	Oakland	UB							45,000.00	C		
9	Storm Drain	TDW Construction, Inc.	Livermore	UB							60,000.00	H	60,000.00	
10	Landscape/Irr	RMT Landscape Contractors, Inc.	Oakland	CB	53,455.00							H	53,455.00	
11	Trucking	S&S Trucking	Oakland	CB		15,000.00			15,000.00			H	15,000.00	
<b>Project Totals:</b>					985,215.00	225,000.00	220,000.00	100,000.00	15,000.00	10,000.00	559,000.00		438,455.00	429,000.00
					49.53%	11.31%	11.06%	80.00%	12.00%	8.00%	28.10%		22.04%	21.57%

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

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

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

Total LBE/SLBE Dollars and Percents:	<b>\$1,210,215.00</b>	<b>60.84%</b>	Total Bid Amount:	<b>\$1,989,215.00</b>
Total VSLBE/LPG Dollars and Percents:	<b>\$220,000.00</b>	<b>11.06%</b>	Total Participation of	
Total SLBE/LBE Trucking Dollars and Percents:	<b>\$15,000.00</b>	<b>12.00%</b>	VSLBE / SLBE / LBE / LPG:	<b>71.90%</b>
Total VSLBE Trucking Dollars and Percents:	<b>\$100,000.00</b>	<b>80.00%</b>		

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



## Contracts and Compliance Project Evaluation Report

Project No: C369520

Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project

Contractor: Ghilotti Bros, Inc.

**Engineer's Estimate:**

**\$1,546,647.00**

**Contractor's Bid Amount:**

**\$2,063,351.65**

**Under/Over Engineer's Estimate:**

**(\$516,704.65)**

**Discounted Bid Amount:**

**\$2,063,351.65**

**Amount of Bid Discount:**

**\$0.00**

**Discount Points:**

**0.00%**

1. Did the 50% Local/Small Local requirement apply? Yes

2. Did the contractor meet the 50% requirement? No

a) % of LBE participation 6.20%

b) % of SLBE participation 12.00%

c) % of VSLBE/LPG participation 8.48% 16.96% (double counted value)

3. Did the contractor meet the Trucking requirement? Yes

a) % of SLBE/LBE trucking participation 100.00%

b) % of VSLBE trucking participation 0.00%

4. Did the Contractor receive any bid discount? No

(if yes, list the percentage received) 0.00%

5. Additional Comments Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed non compliant with the L/SLBE requirement.

6. Date evaluation completed and returned to initiating department. 1/6/2015

Reviewing Officer: Vivian Inman

Reviewing Officer Date: 1/6/2015

Approved By: Shelley Qaremburg

Approved By Date: 1/6/15

# LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 2**

**Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project**

**Project No: C369520**

**Engineers Estimate: \$1,546,647.00**

**Under/Over Engineers Estimate: (\$516,704.65)**

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
												Eth	MBE	WBE
1	Prime	Ghilotti Bros, Inc.	San Rafael	UB							667,812.30			
2	Trucking	All City Trucking	Oakland	CB		40,563.00						AI	40,563.00	
3	Trucking	S&S Trucking	Oakland	CB		207,113.00			207,113.00			H	207,113.00	
4	Supply AC	Gallagher & Burk, Inc.	Oakland	CB			175,000.00					C		
5	Supply	Central Concrete	Oakland	CB	70,000.00							O		
6	Electrical	Columbia Electric	San Leandro	UB							429,300.00	C		429,300.00
7	Landscape	RMT Landscape	Oakland	CB	57,955.00							H	57,955.00	
8	Striping	Lineation Marking Corp.	Oakland	UB							45,080.00			
<b>Project Totals:</b>					127,955.00	247,676.00	175,000.00		207,113.00		1,142,192.30		305,631.00	429,300.00
					6.20%	12.00%	8.48%		100.00%	0.00%	55.36%		14.81%	20.81%

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

**Total LBE\SLBE Dollars and Percents: \$375,631.00 18.20%**

**Total VSLBE\LPG Dollars and Percents: \$175,000.00 8.48%**

**Total SLBE\LBE Trucking Dollars and Percents: \$207,113.00 100.00%**

**Total VSLBE Trucking Dollars and Percents: 0.00%**

**Total Bid Amount: \$2,063,351.65**

**Total Participation of VSLBE / SLBE / LBE / LPG: 26.69%**

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

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

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



## Contracts and Compliance Project Evaluation Report

Project No: C369520

Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project

Contractor: Gordon N. Ball, Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$1,546,647.00	\$2,064,168.30	(\$517,521.30)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$2,002,243.25	\$61,925.05	3.00%

1. Did the 50% Local/Small Local requirement apply? Yes
2. Did the contractor meet the 50% requirement? Yes
  - a) % of LBE participation 3.35%
  - b) % of SLBE participation 48.71%
  - c) % of VSLBE/LPG participation 7.78% 15.56% (double counted value)
3. Did the contractor meet the Trucking requirement? Yes
  - a) % of SLBE/LBE trucking participation 100.00%
  - b) % of VSLBE trucking participation 100.00%
4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 3.00%
5. Additional Comments 

\*Proposed VSLBE/SPG participation is valued at 7.28%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 15.56%.
6. Date evaluation completed and returned to initiating department. 1/6/2015

Reviewing Officer: Vivian Inman

Reviewing Officer Date: 1/6/2015

Approved By: Shelley Oarensburg

Approved By Date: 1/6/15

# LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 3**

**Project Name: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project**

**Project No: C369520**

**Engineers Estimate: \$1,546,647.00**

**Under/Over Engineers Estimate: (\$517,521.30)**

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
												Eth	MBE	WBE
1	Prime	Gordon N. Ball, Inc.	Alamo	UB							766,850.00			
2	Signs,	Lineation Marking	Oakland	UB							45,080.40	C		
3	Precast	Old Castle Precast	Pleasanton	UB							15,315.00	C		
4	Electrical	Ray's Electric	Oakland	CB		583,000.00						C		
5	AC Supply	Gallagher & Burk, Inc.	Oakland	CB			150,200.00					C		
6	Survey	F3 & Assoc.	Benica	UB							12,000.00	C		
7	Minor	Rosas Brothers Construction	Oakland	CB		211,250.00					211,250.00	H	211,250.00	
8	Landscaping	RMT Landscaping	Oakland	CB	69,173.00							H	69,173.00	
9	Trucking	S&S Trucking	Oakland	CB		211,300.00			211,300.00			H	211,300.00	
<b>Project Totals:</b>					69,173.00	1,005,550.00	150,200.00		211,300.00		1,050,495.40		491,723.00	
					3.35%	48.71%	7.28%		100.00%	0.00%	50.89%		23.82%	

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

**Total LBE/SLBE Dollars and Percents:** \$1,074,723.00 52.07%

**Total VSLBE/LPG Dollars and Percents:** \$150,200.00 7.28%

**Total SLBE/LBE Trucking Dollars and Percents:** \$211,300.00 100.00%

**Total VSLBE Trucking Dollars and Percents:** 0.00%

**Total Bid Amount: \$2,064,168.30**

**Total Participation of VSLBE / SLBE / LBE / LPG: 59.34%**

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

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

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



## Attachment C

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CITY OF OAKLAND BID SUMMARY  
Public Works Department - Contract Services

PROJECT NAME: Broadway/Keith Avenue to Golden Gate Way Bicycle Pedestrian Project  
PROJECT NO: C369520  
BID DATE: December 19, 2014  
ENGINEER'S ESTIMATE: \$1,546,617 Base Bid and \$80,000 for Bid Alternates #2-3  
BASIS OF AWARD: Lowest Base Bid  
PROJECT MANAGER: Mohamed About  
COMPLIANCE OFFICER: Vivian Loran  
APPARENT LOW BIDDER (prior to Bid Discounts per I/S&R program): Gallagher & Burke Inc.

ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS: Revision 1 issued January 2, 2015 (self-performance only)

- COMMENTS:
- 1) The designation of the "apparent low bidder" made in this Bid Summary does not incorporate bid discounts, if any. The Office of Contract Compliance will determine any bid discounts in their forthcoming compliance analysis.
  - 2) Missing F-3 In's subcontractor license number in Gordon Ball bid.

Documents Required With Bid	GALLAGHER & BURKE INC.	SHROTT BROS., INC.	GORDON BALL INC.
Contractor's Bid Form and Bid Schedule	Y	Y	Y
Correct Prime Contractor License Type and Active per CSLB?	Y	Y	Y
Subcontractor Licenses Listed and Active per CSLB?	Y	Y	N
Additional acknowledgment	Y	Y	Y
801 Bond	Y	Y	Y
Schedule K - Pending Dispute Disclosure	Y	Y	Y
Schedule O - Campaign Contribution Limits	Y	Y	Y
Schedule R - Subcontractor, Supplier, Trustee Listing	Y	Y	Y
If Trading is required, was one listed?	Y	Y	Y

Engineer's Estimate					GALLAGHER & BURKE, INC.		SHROTT BROS., INC.		GORDON W. BALL, INC.	
Item Number	Spec. Section	Quantity	Unit of Measure	Item Description	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	9-B.4	1	LS	Mobilization/De-mobilization	\$60,000.00	60,000.00	80,000.00	80,000.00	75,000.00	150,000.00
2	7-12.1	2	EA	Project Information Signs	\$1,000.00	2,000.00	500.00	1,000.00	1,000.00	2,000.00
3	7-10.1	1	LS	Traffic Control	\$25,000.00	25,000.00	208,000.00	208,000.00	122,885.00	122,885.00
4	106-1.1.1	1	LS	Potholing of existing utilities	\$5,000.00	5,000.00	5,000.00	5,000.00	7,000.00	40,000.00
5	7-10.1	1	LS	Changeable Message Signs	\$10,000.00	10,000.00	6,000.00	6,000.00	20,000.00	8,000.00
6	7-10.1.1	1	LS	Showering, Sharpening and Blasting	\$4,000.00	4,000.00	2,000.00	2,000.00	4,000.00	6,000.00
7	102-1.4	1	LS	Clearing and Grubbing	\$6,000.00	6,000.00	175,000.00	175,000.00	85,000.00	35,000.00
8	7-8.6.15	1	LS	Develop and Implement SWPPP	\$13,000.00	13,000.00	5,000.00	5,000.00	9,000.00	10,000.00
9	102-2.9	3,840	CY	Unclassified Excavation	\$35.00	134,400.00	80.00	307,200.00	\$9.00	226,560.00
10	100-1.4	3,330	LF	Remove Ex. Curb and Gutter	\$5.00	16,650.00	8.00	26,640.00	8.00	26,640.00
11	100-1.4	4,060	SF	Remove Miscellaneous Concrete	\$2.00	8,120.00	4.00	16,240.00	2.50	10,150.00
12	102-1.12	22,400	SF	4" AC Coldmill Existing Pavement	\$1.00	22,400.00	0.60	13,440.00	1.00	22,400.00
13	100-1.4	510	LF	Remove Existing Fence	\$5.00	2,550.00	6.00	3,060.00	10.00	5,100.00
14	101-1.7	12	EA	Adjust Ex. Manhole Frame and Cover to Grade	\$800.00	9,600.00	800.00	9,600.00	500.00	6,000.00
15	101-1.7	15	EA	Adjust Ex. Pull Box/Valve Box to Grade	\$500.00	7,500.00	500.00	7,500.00	400.00	6,000.00
16	102-5.9	890	TON	Asphalt Concrete Pavement, Type B	\$95.00	84,550.00	115.00	111,250.00	135.00	120,150.00
17	102-2.4	1,090	CY	Aggregate Base, Class 2	\$80.00	87,200.00	50.00	54,500.00	90.00	98,100.00
18	101-1.4	1,210	CY	Aggregate Subbase	\$50.00	60,500.00	50.00	60,500.00	80.00	106,800.00
19	102-5.9m	630	LF	Construct Curb	\$25.00	15,750.00	19.00	11,780.00	31.00	19,530.00
20	102-5.9f	1,930	LF	Construct Curb and Gutter Type "B"	\$35.00	67,550.00	25.00	48,250.00	35.00	72,600.00
21	102-5.9f	230	LF	Construct Curb and Gutter Type "D"	\$30.00	6,900.00	25.00	5,750.00	30.00	6,900.00
22	102-5.9f	3,390	SF	Construct Concrete Sidewalk	\$10.00	33,900.00	6.00	20,340.00	9.50	32,205.00
23	102-5.9f	1,560	SF	Construct Concrete Driveway	\$15.00	23,400.00	7.00	10,920.00	13.00	20,280.00
24	102-5.9	1,010	TON	Construct Asphalt Concrete Overlay	\$105.00	106,050.00	115.00	117,150.00	127.00	127,500.00
25	102-6.9v	8,140	SF	Construct Colored Stamped Concrete Island Paving	\$9.00	73,260.00	9.00	73,260.00	11.50	93,610.00
26	102-6.9	8,512	SF	Construct 3" Asphalt Concrete Bike Path	\$4.00	34,048.00	3.00	25,536.00	2.50	21,280.00
27	102-5.9f	130	SF	Construct Colored Concrete Sidewalk	\$12.00	1,560.00	8.00	1,040.00	11.00	1,430.00
28	102-5.9f	990	SF	Construct River Rock	\$10.00	9,900.00	10.00	9,900.00	20.00	19,800.00
29	102-5.9h	10	EA	Construct Curb Ramp	\$1,800.00	18,000.00	1,400.00	14,000.00	2,800.00	28,000.00
30	106-6	1	LS	Landscape and Irrigation	\$80,000.00	80,000.00	45,000.00	45,000.00	59,000.00	66,000.00
31	106-6.4	4	EA	Construct Inlet Per Specified Type	\$2,500.00	10,000.00	4,000.00	16,000.00	4,000.00	16,000.00
32	106-6.4	1	EA	Automatic Retractable Sign	\$700.00	700.00	1,000.00	1,000.00	5,000.00	1,500.00
33	106-6.4	3	EA	Construct 24" Drop Inlet	\$1,500.00	4,500.00	2,500.00	7,500.00	1,500.00	4,500.00
34	103-4.3	2	EA	Construct Type 1 Manhole	\$2,000.00	4,000.00	5,000.00	10,000.00	7,500.00	15,000.00
35	103-4.3	5	EA	Construct Manhole Top on Existing Inlet	\$3,200.00	16,000.00	4,000.00	20,000.00	4,000.00	20,000.00
36	106-1.6.2.a	14	LF	18" RCP Storm Drain	\$150.00	2,100.00	200.00	2,800.00	220.00	3,080.00
37	106-1.6.2.a	165	LF	12" RCP Storm Drain	\$110.00	18,150.00	125.00	20,625.00	218.00	35,970.00
38	102-10.4	3	EA	Remove Existing Light Pole and Foundation	\$1,000.00	3,000.00	1,000.00	3,000.00	1,300.00	3,900.00
39	102-11	2	EA	Remove Existing Pull Box	\$50.00	100.00	25.00	50.00	40.00	80.00
40	102-11	12	EA	Furnish & Install No. 5 Pull Box	\$400.00	4,800.00	600.00	7,200.00	545.00	6,540.00
41	102-10	9	EA	City Standard Guy Wire Enclosure, 28", 8" LA Vehicle Side, 2" or 4" LA Pedestrian Side	\$5,000.00	45,000.00	2,000.00	18,000.00	3,000.00	27,000.00
42	102-10	1	EA	City Standard Enclosure, 28", 8" LA	\$6,000.00	6,000.00	2,000.00	2,000.00	2,800.00	2,800.00
43	102-16.8	10	EA	Furnish and Install LED Luminaire	\$650.00	6,500.00	900.00	6,300.00	850.00	8,500.00
44	102-13	1,200	LF	3" Conduit with Conduits	\$50.00	60,000.00	30.00	36,000.00	37.00	44,400.00
45	102-13	1	EA	Remove & Salvage Existing Conduits & Service Cables, Abandon Foundation & Below grade	\$1,200.00	1,200.00	1,000.00	1,000.00	1,700.00	1,700.00
46	102-17.2	1	EA	Model Name: 2000C Controller Assembly & Modern w/ 331 Cabinet & Foundation	\$15,000.00	15,000.00	40,000.00	40,000.00	69,700.00	69,700.00
47	102-14	1	EA	TYPE 10A 120/240V Service Equipment w/ Cabinet & Foundation	\$3,000.00	3,000.00	4,000.00	4,000.00	4,800.00	4,800.00
48	102-11	1	EA	Garmin GPS Clock, Cable, Antenna	\$1,500.00	1,500.00	1,000.00	1,000.00	2,000.00	2,000.00
49	102-10.4	7	EA	Remove Existing Signal Pole and Foundation	\$1,000.00	7,000.00	1,000.00	7,000.00	1,110.00	7,770.00
50	112-2	3	EA	Furnish & Install No. 10 Turn (R&L) Sign	\$150.00	450.00	200.00	600.00	330.00	990.00
51	102-17.8	6	EA	Furnish & Install Countdown on Approved	\$100.00	600.00	200.00	1,200.00	350.00	2,100.00
52	102-17.8	6	EA	Furnish & Install Pedestrian APS or Approved Equal	\$1,050.00	6,300.00	1,500.00	9,000.00	1,500.00	9,000.00
53	102-11	14	EA	Remove Existing Pull Box	\$50.00	700.00	200.00	2,800.00	215.00	3,010.00
54	102-11	19	EA	Furnish & Install No. 6 Pull Box	\$500.00	9,500.00	700.00	13,300.00	800.00	15,200.00
55	102-14	1	EA	PGBT No. 2 Spec Box & Connection to Service	\$750.00	750.00	1,500.00	1,500.00	650.00	600.00
56	102-17.1.1	8	EA	Salice Chamber Installation	\$170.00	1,360.00	500.00	4,000.00	500.00	4,000.00
57	102-10	9	EA	Caltrans Type 1-B Standard & Foundation	\$1,700.00	15,300.00	800.00	7,200.00	1,450.00	13,050.00
58	102-10	1	EA	Caltrans Type 1B-3-100, 18" SA, 8" LA Standard Installation, Foundation, Anchor	\$5,100.00	5,100.00	5,000.00	5,000.00	8,000.00	8,000.00
59	102-10	1	EA	Caltrans Type 1B-4-100, 20" SA, 8" LA Standard Installation, Foundation, Anchor	\$5,100.00	5,100.00	5,000.00	5,000.00	10,000.00	10,000.00
60	102-10	2	EA	Caltrans Type 1B-4-100, 20" SA, 8" LA Standard Installation, Foundation, Anchor	\$2,000.00	4,000.00	3,000.00	6,000.00	3,500.00	7,000.00
61	102-10	1	EA	Caltrans Type 2B-4-100, 30" SA, Standard Installation, Foundation, Anchor	\$8,000.00	8,000.00	10,000.00	10,000.00	10,500.00	20,000.00
62	102-10	1	EA	Caltrans Type 2B-4-100, 30" SA, Installation, Foundation, Anchor	\$8,000.00	8,000.00	8,000.00	8,000.00	11,600.00	20,000.00
63	102-10	1	EA	City Standard Guy Wire Enclosure, 28", 8" LA	\$8,000.00	8,000.00	2,000.00	2,000.00	3,300.00	5,000.00
64	102-17.6	2	EA	M-1V Vehicle Head on Mast Arm	\$900.00	1,800.00	3,000.00	6,000.00	5,800.00	11,600.00
65	102-17.6	2	EA	Signal Mounting Hardware for M-1V Vehicle Head	\$300.00	600.00	200.00	600.00	560.00	1,120.00
66	102-17.6	1	EA	M-2V Vehicle Head on Mast Arm	\$800.00	800.00	1,000.00	1,000.00	1,500.00	1,560.00
67	102-17.6	1	EA	Signal Mounting Hardware for M-2V Vehicle Head	\$600.00	600.00	300.00	300.00	385.00	385.00
68	102-17.6	1	EA	M-3V Vehicle Head on Mast Arm	\$1,000.00	1,000.00	9,000.00	9,000.00	7,400.00	7,478.00
69	102-17.6	1	EA	Signal Mounting Hardware for M-3V Vehicle Head	\$900.00	900.00	500.00	500.00	500.00	478.00
70	02-17.6 / 102-17	2	EA	5-2V-1P Vehicle & Ped Heads	\$600.00	1,200.00	7,000.00	14,000.00	500.00	1,000.00
71	02-17.6 / 102-17	2	EA	5-1V-1P Vehicle & Ped Heads	\$700.00	1,400.00	1,500.00	3,000.00	6,100.00	12,010.00
72	02-17.6 / 102-17	1	EA	7-1V-1P Vehicle & Ped Heads	\$700.00	700.00	1,500.00	1,500.00	2,500.00	2,615.00
73	02-17.6 / 102-17	1	EA	7-2V-1P Vehicle & Ped Heads	\$700.00	700.00	2,000.00	2,000.00	1,500.00	1,605.00
74	02-17.6 / 102-17	2	EA	5-1P Ped Head	\$500.00	1,000.00	700.00	1,400.00	1,000.00	2,000.00

**CITY OF OAKLAND BID SUMMARY**  
**Public Works Department - Contract Services**

75	307-17.6	2	EA	5-1V Vehicle Head	\$700.00	1,400.00	800.00	1,600.00	625.00	1,250.00	600.00	1,200.00
76	307-17.8	1	EA	T-1P Ped Head	\$700.00	700.00	800.00	800.00	515.00	515.00	510.00	510.00
77	307-17.6	2	EA	T-1V Vehicle Heads	\$300.00	600.00	800.00	1,600.00	500.00	1,000.00	470.00	940.00
78	307-17.6	4	EA	T-2V Vehicle Heads	\$300.00	1,200.00	2,000.00	8,000.00	1,400.00	5,600.00	1,370.00	5,492.00
79	307-17.6	1	EA	T-3V Vehicle Heads	\$600.00	600.00	2,000.00	2,000.00	2,300.00	2,300.00	2,210.00	2,210.00
80	307-17.7.5	6	EA	Video Detection System (Meris Vantage Series)	\$4,000.00	24,000.00	7,000.00	42,000.00	6,700.00	40,200.00	5,000.00	34,000.00
81	307-16.8	6	EA	Furnish and Install LED Luminaire	\$450.00	2,700.00	1,000.00	6,000.00	770.00	4,620.00	770.00	4,620.00
82	307-22	2	EA	Furnish & Install 110V	\$1,650.00	3,300.00	2,500.00	5,000.00	2,900.00	5,800.00	2,810.00	5,660.00
83	307-13	20	LF	Two 1" Conduit with Conductors	\$80.00	1,600.00	75.00	1,400.00	60.00	1,200.00	56.50	1,190.00
84	307-13	800	LF	3" Conduit with Conductors	\$75.00	60,000.00	60.00	48,000.00	70.00	56,000.00	118.00	92,800.00
85	307-13	120	LF	3" Conduit with Conductors for PG&E Service	\$30.00	3,600.00	40.00	4,800.00	35.00	4,200.00	35.00	4,200.00
86	313-2	17	EA	Relocate Sign	\$150.00	2,550.00	300.00	1,700.00	90.00	1,530.00	90.00	1,530.00
87	313-2	14	EA	Install Sign	\$180.00	2,520.00	200.00	2,800.00	205.00	2,870.00	205.00	2,870.00
88	310-6.4	5,221	LF	4" Stripe	\$1.00	5,221.00	1.00	5,221.00	1.00	5,221.00	0.66	3,393.66
89	310-6.4	338	LF	4" Stripe w/RPM	\$1.00	338.00	1.00	338.00	0.75	253.50	0.75	253.50
90	310-6.4	3,919	LF	6" Stripe	\$2.00	7,838.00	1.00	3,919.00	0.85	3,331.15	0.85	3,331.15
91	310-6.4	1,083	LF	4" Stripe w/RPM	\$2.00	2,166.00	1.50	1,623.00	1.50	1,623.00	1.50	1,623.00
92	310-6.4	214	LF	Double 4" Stripe	\$2.00	428.00	2.00	428.00	2.00	428.00	2.00	428.00
93	310-6.4	2,007	LF	Double 4" Stripe w/RPM	\$2.00	4,014.00	2.00	4,014.00	2.00	4,014.00	2.00	4,014.00
94	310-6.4	1,419	LF	12" Stripe	\$4.00	5,676.00	4.00	5,676.00	4.00	5,676.00	4.00	5,676.00
95	310-6.4	3	EA	Fire Hydrant Markers	\$10.00	30.00	1.00	15.00	5.00	15.00	5.00	15.00
96	310-7.2	2,750	SF	Pavement Markings	\$4.00	11,000.00	4.00	11,160.00	3.50	9,765.00	3.50	9,765.00
97	310-8.2	2,280	SF	Green Colored Pavement	\$7.00	15,960.00	3.00	6,840.00	9.15	7,182.00	3.15	7,182.00
98	310-6.1.1	1	LS	As-Built Striping and Marking Plans	\$4,000.00	4,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
						Total of Base Bid Items per spreadsheet calculation	1,540,447.00	1,589,315.00	1,043,351.63		2,044,168.30	
						Total of Base Bid Items per contractor calculation	1,589,215.00		2,043,351.63	2,044,168.30		
Bid Alternate 1:												
99	7-3	1	LS	ADD Cost of Commercial Liability Insurance Coverage	Lump Sum			8,000.00		17,000.00	20,000.00	
100	7-3	1	LS	ADD Cost of Worker's Compensation Insurance Coverage	Lump Sum			21,000.00		13,000.00	22,000.00	
101	7-3	1	LS	ADD Cost of Excess Liability or Umbrella Insurance Coverage	Lump Sum			1,000.00		7,000.00	10,400.00	
						Total of Bid Alternate 1 per spreadsheet calculation		30,000.00	37,000.00	53,200.00		
Bid Alternate 2:												
102		1	LS	Irrigation Extension to Parcel	\$20,000.00	20,000.00	20,000.00	20,000.00	25,000.00	20,000.00	20,000.00	
Bid Alternate 3:												
103		1	LS	Construction Surveying	\$60,000.00	60,000.00	45,000.00	45,000.00	13,000.00	12,000.00	12,000.00	
						% Self-Performed (applies to engineering projects only)	59.5%		74.2%		49.5%	
						% Over / Under Engineer's Estimate	28.6%		33.6%		31.5%	

## Attachment D

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

Project Number/Title: C388010 Various Streets and Roads Preventive Maintenance

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

Contractor: Gallagher and Burke, Inc.

Date of Notice to Proceed: 12/20/10

Date of Notice of Completion: 8/22/13

Date of Notice of Final Completion: 8/22/13

Contract Amount: \$1,233,215.35

Evaluator Name and Title: Alan Chiang, Civil 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:**

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

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

### WORK PERFORMANCE

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

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

### TIMELINESS

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input checked="" 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 #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

# **FINANCIAL**

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	<p>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?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
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.				<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
18	<p><b>Overall, how did the Contractor rate on financial issues?</b></p> <p><b>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</b></p> <p><b>Check 0, 1, 2, or 3.</b></p>	<p>0 <input type="checkbox"/></p>	<p>1 <input type="checkbox"/></p>	<p>2 <input checked="" type="checkbox"/></p>	<p>3 <input type="checkbox"/></p>	



Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

# COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input 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>0.50</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.50</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>0.30</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): 2.0

OVERALL RATING: 2.0

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

### PROCEDURE:

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

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

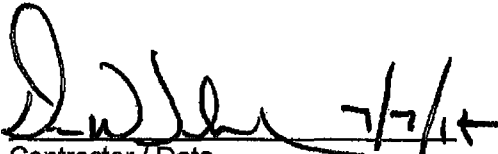
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


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

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

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

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

  
Contractor / Date

  
Resident Engineer / Date

  
Supervising Civil Engineer / Date

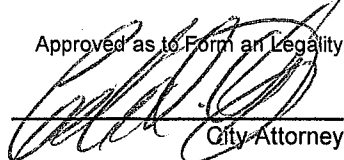
**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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.

1. Microsurfacing emulsion did not meet the project specifications and this required the contractor to extend the warranty from 1 year to 3 years.
3. Extended warranty document stated above was not provided until 11/13/13 when it was originally requested on 6/6/2012.
8. Change Order work on Broadway was delayed for multiple months. Originally met with the contractor on 11/15/12 to review scope and plan to complete the work during the holiday season. City staff worked to ensure all agencies were notified so work could begin. Contractor did not begin work and did not provide a schedule for the work. City staff met with the contractor again on 5/15/13 in the field to discuss scope as work had not started.
- 20a. Despite repeated requests, the contractor did not provide a schedule for the additional concrete work on Broadway until June 2013. On Friday 6/7/13, the contractor started work without notifying the city or the nearby residents/business in advance which caused a significant public and traffic inconvenience in the downtown area. The work was scheduled to begin Saturday 6/8/13 to minimize inconvenience.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

2015 APR 1 AM 12:54  
**OAKLAND CITY COUNCIL**

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

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

**RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND BIDDING; AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE, TO NEGOTIATE WITH BIDDERS AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS, FOR THE CALDECOTT FOURTH BORE SETTLEMENT PROJECT #9 AND #14, ALONG BROADWAY FROM KEITH AVENUE TO GOLDEN GATE WAY (CITY PROJECT NO. C369520), IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT-HUNDRED EIGHTY FOUR THOUSAND TWO HUNDRED AND FIFTEEN DOLLARS (\$1,884,215.00) FOR THE BASE BID AND A BID ALTERNATE**

**WHEREAS**, on December 19<sup>th</sup>, 2011 a total of three bids were received by the Office of the City Clerk of the City of Oakland for the construction contract for the Caldecott Fourth Bore Settle Project #9 and #14 (City Project No. C369520); and

**WHEREAS**, all three bids were either substantially over the project budget and/or were deemed non-responsive, and should therefore be rejected; and

**WHEREAS**, funding of \$1,884,215 for the construction contract is available from four funding sources, as follows:

- Caldecott Settlement Funds (2140); Transportation Services Organization (92246); Street Construction Account (57411); Broadway Keith to Golden Gate Way Bike Pedestrian Project (C369520); \$1,384,215 ;
- Measure B: ACTIA Fund (2211); Transportation Services Organization (92246); Street Construction Account (57411); Matching Funds for Grant Funded Projects (C370010); \$500,000; and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires the City to conduct advertising and competitive bidding when it purchases services, supplies or a combination thereof that exceeds \$50,000.00; and

**WHEREAS**, OMC Title 2, Chapter 2.04, Article I, Section 2.04.050.I.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

**WHEREAS,** the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of this contract because the bid process did not render any bids within the available budget and further bidding is likely to yield the same or similar results; and

**WHEREAS,** the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS,** the City Administrator has determined that this contract is of a temporary and technical nature and 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 Council hereby rejects all bids as they are either in excess of the project budget or non-responsive; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.J and for the reasons stated above, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements and hereby does so; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is authorized to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the construction of the Caldecott Fourth Bore Settlement Project #9 and #14 (City Project No. C369520) with project bidders in an amount not to exceed one million eight hundred and eighty-four thousand, two hundred and fifteen dollars (\$1,884,215.00); and be it

**FURTHER RESOLVED:** That the negotiated contract will require the contractor to meet the City's local business and employment program requirements; and be it

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Caldecott Fourth Bore Settlement Project #9 and #14 (City Project No. C369520); and be it

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

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

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IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

**PASSED THE FOLLOWING VOTE:**

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND  
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

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