



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2015 APR 29 PM 1:00

## AGENDA REPORT

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

**FROM:** Audree V. Jones-Taylor

**SUBJECT:** Lake Chabot Golf Course Driving Range  
Improvement Project

**DATE:** April 17, 2015

City Administrator  
Approval

Date:

4/27/15

**COUNCIL DISTRICT: 7**

### **RECOMMENDATION**

Staff recommends that the City Council adopt:

A Resolution Authorizing The City Administrator, Or His Designee, To Execute A Construction Contract With Bay Construction Company, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Lake Chabot Golf Course Driving Range Improvement Project (Project No. C322810), And With Contractor's Bid In The Amount Of Four Hundred Sixty-Two Thousand Eight Hundred Nineteen Dollars And Thirty-Two Cents (\$462,819.32).

### **OUTCOME**

Approval of this resolution will authorize the City Administrator, or designee, to execute a construction contract with Bay Construction Company, Inc., in the amount of \$462,819.32, to provide necessary improvements to the driving range at the Lake Chabot Golf Course (LCGC).

### **BACKGROUND/LEGISLATIVE HISTORY**

The LCGC Driving Range Improvement Project was approved by the Oakland City Planning Commission for a Major Conditional Use Permit, Creek Permit, and Tree Removal Permit on September 17, 2014.

The City of Oakland owns the 170-acre LCGC property located at 11450 Golf Links Road, Oakland, CA 94605, APN: 048-5813-033-04. *See Attachment A: Location Map.* The property consists of a 9-hole and an 18-hole golf course, a small driving range, clubhouse, cart storage, and maintenance facility. Both courses operate 7 days a week from sun up to sunset.

Item: \_\_\_\_\_  
Public Works Committee  
May 12, 2015

Since April of 2007 Touchstone Golf, LLC, a certified local business, has been under contract with the City of Oakland, to manage and operate the Lake Chabot Golf Course for the Oakland Parks and Recreation Department (OPR). Under the terms of their agreement with the City, Touchstone Golf, LLC, is responsible for implementing the proposed project on behalf of the City.

Under the management and operation of the LCGC by Touchstone Golf, the golf course has become economically self-sufficient and has generated enough revenue, which is deposited in the Golf Fund (3200), to fund capital improvements, such as this driving range improvement project.

The proposed driving range improvement project will provide a facility where participants in youth programs, Oakland residents, and visitors and can go to practice and learn the game of golf at a range that resembles private golf course conditions.

Youth programs are a key element of LCGC's mission. LCGC is the perfect venue to introduce inner-city, low-income youths to the game of golf, which can be a life-changing experience. The course currently hosts three junior golf programs including the Lake Chabot Junior Golf Academy, OPR's ACE Kids Golf Program and The First Tee of Oakland, which is associated with an international program. These programs, in combination, provide service to over 1,000 youths a year, ages seven through 17. The current challenge is not having an adequate driving range practice facilities to serve the youth programs.

The existing driving range is deficient and does not provide an adequate facility for players to learn and improve their golf game nor is it acceptable for preparing for a round of golf. There are only 12 tee box stalls, which are substandard in size and are overly sloped, golf balls can only be struck to a maximum distance of 160 yards, when more than 200 yards is needed, and shorter golf shots drop into a deep drainage swale, which is not representative of course conditions.

This proposed project will generally consist of re-grading the existing range to provide a line-of-sight to 230 yards from the tee boxes to the end of the range, adding six tee boxes to provide a total of 18 tee boxes, removing and replacing the paving at the tee boxes to provide a near-level surface, adequate space for safety setbacks, as well as, providing Americans with Disabilities Act compliant access to the tee boxes. The project footprint is approximately six acres and the project will involve approximately 37,000 cubic yards of excavation. Earthwork on the project is balanced and there will be no imported or exported soil.

In addition, no irrigation or turf planting is included with the project. With the current drought conditions, any improvements that will require an increase in long-term water use will be delayed. The driving range can be utilized by seeding the golf ball landing area and allowing grasses to go dormant during the months when rainfall is scarce. The Montclair and Metropolitan Golf Course driving ranges have non-irrigated golf ball landing areas. LCGC is watered with non-potable water directly from Lake Chabot, which is supplied by East Bay Municipal Utility District (EBMUD). Lake Chabot is designated as an emergency water source by EBMUD and, since the 1960's, has provided public access for fishing and boating.

Construction work is anticipated to begin in June 2015 and should be completed by September, 2015. The project schedule allows 60 working days (three calendar months). The contract specifies \$200 per calendar day in liquidated damages.

### ANALYSIS

On February 26, 2015, the City Clerk received five bids for the project. *See Attachment B: Canvas of Bids.* Three of the five bidders were determined by the Contracts and Compliance Unit to be compliant with the City's Local and Small Local Business Enterprise (L/SLBE) participation and/or Equal Benefits Ordinance (EBO) Policies. Two bidders were determined to be non-compliant.

Bay Construction Company, Inc., with a bid of \$462,819.32, was deemed to be the lowest responsive and responsible bidder and, therefore, is recommended for award of the construction contract. Bay Construction Company's bid is 4% over the Engineer's Estimate of \$445,000.

The bid results are as follows:

Company	Bid Amount	Compliant
Engineer's Estimate	\$445,000.00	N/A
Bay Construction Company, Inc.	\$462,819.32	Yes
Beliveau Engineering Contractors, Inc.	\$479,116.00	Yes
McGuire and Hester	\$569,082.00	Yes
O. C. Jones, Inc.	\$415,726.00	No
Granite Rock Company	\$475,128.00	No

Under the proposed contract with Bay Construction Company, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 96.41%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100% for L/SLBE 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. *See Attachment C: Contract Compliance Analysis.*

### COORDINATION

The work to be done under this contract was coordinated with:

- Oakland Parks and Recreation Department
- LCGC Citizen's Advisory Committee
- East Bay Regional Parks District
- EBMUD and AT&T
- The following City offices have reviewed this report and resolution:
  - Office of the City Attorney
  - City Budget Office

### **COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator to execute a construction contract with Bay Construction Company, Inc., in the amount of \$462,819.32.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:  
Construction Contract - \$462,819.32
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$462,819.32
3. SOURCE OF FUNDING:  
Golf Fund (3200); Chabot Golf Course Organization (502362); Structures and Improvements Account (57311); Golf Course Capital Project No.C322810
4. FISCAL IMPACT:  
Approval of this resolution will authorize the City Administrator to execute a construction contract with Bay Construction Company, Inc. in the amount of \$462,819.32.

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

A Contractor Performance Evaluation for Bay Construction Company, Inc. from a previously completed project, was satisfactory and is included as *Attachment D*.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The project will generate economic and job opportunities for Oakland residents, provide business tax, sales tax, and other revenues for the City by those who work on the project. The improved driving range facility will increase revenue to LCGC from the current level of \$47,000 a year to over \$100,000 in the second full year of operation. Annual net earnings will pay for the project investment within 10 years and beyond that, will provide much needed revenue for other capital improvements. In addition, ancillary sales in the way of food and beverage and merchandise will also improve since many more people will come to the course just to use the improved driving range.

**Environmental:** The contractor is required to recycle and re-use construction materials to the extent practicable and to comply with City requirements. Stormwater runoff from the re-graded driving range site will be channeled into detention basins to minimize pollutants. The tree removal permit approved the removal of up to eight protected trees. Every one tree removed will be replaced with two new trees.

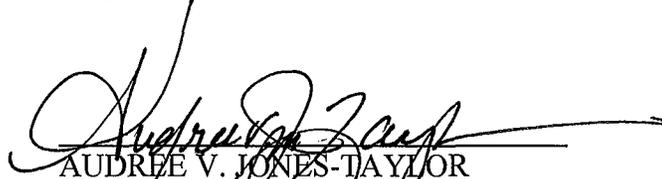
**Social Equity:** The improvements will enhance golfing recreational opportunities, especially for LCGC's youth programs.

**CEQA DETERMINATION**

The LCGC Driving Range Improvement Project has been determined by the City of Oakland Bureau of Planning to be Categorically Exempt pursuant to the State CEQA Guidelines, Section 15301, Existing Facilities.

For questions regarding this report, please contact Lyle Oehler, Consultant to Touchstone Golf, Lake Chabot Golf Course, (510) 701-2044.

Respectfully submitted,



AUDREE V. JONES-TAYLOR  
Director, Oakland Parks and Recreation

Attachments:

- Attachment A – Project Location Map
- Attachment B – Canvas of Bids
- Attachment C – Contract Compliance Analysis
- Attachment D – Contractor Performance Evaluation



# ATTACHMENT B: CANVAS OF BIDS

CITY OF OAKLAND  
OFFICE OF THE CITY ADMINISTRATOR CONTRACTS AND COMPLIANCE DIVISION

CANVASS OF BIDS  
Lake Chabot Golf Course (LCGC) Driving Range Improvement Project  
C322810

PROJECT/NUMBER: C322810 LAKE CHABOT GOLF COURSE (LCGC) DRIVING RANGE IMPROVEMENT PROJECT

BID DATE: FEBRUARY 26, 2015

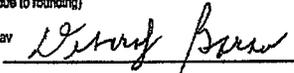
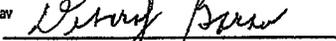
PROJECT #: C322810

WORKING DAYS: 60

ENGINEER'S ESTIMATE: \$445,000.00

ENGINEER'S ESTIMATE																
Item No.	Spec. Sec. No.	Item Description	Qty.	Unit of Measure	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
No.	Specs Ref	Bid Item	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	300	Demolition and Site Clearing	1	LS	10000	10000	\$ 32,000.00	\$ 32,000.00	\$ 12,000.00	\$ 12,000.00	\$ 45,000.00	\$ 45,000.00	\$ 35,000.00	\$ 35,000.00	\$ 45,000.00	\$ 45,000.00
2	300-1	Earthwork	37000	CY	5.54	204980	\$ 7.00	\$ 259,000.00	\$ 7.00	\$ 259,000.00	\$ 4.10	\$ 151,700.00	\$ 3.50	\$ 129,500.00	\$ 5.75	\$ 212,750.00
3	300-2	Topsoil Stripping, Stockpiling, Respreading	4000	CY	10	40000	\$ 7.00	\$ 28,000.00	\$ 10.00	\$ 40,000.00	\$ 5.40	\$ 21,600.00	\$ 9.00	\$ 36,000.00	\$ 5.75	\$ 23,000.00
4	308-2.4	Finish Grading	5	A	5000	25000	\$ 5,100.00	\$ 25,500.00	\$ 7,300.00	\$ 36,500.00	\$ 5,590.00	\$ 27,950.00	\$ 3,000.00	\$ 15,000.00	\$ 4,500.00	\$ 22,500.00
5	201.1	Concrete Paving for Tee Boxes and Pathways	3364	SF	15	50460	\$ 18.00	\$ 60,552.00	\$ 14.00	\$ 47,096.00	\$ 15.00	\$ 50,460.00	\$ 24.00	\$ 80,736.00	\$ 13.13	\$ 44,169.32
6	207-1.7	4' Perforated Subdrain	1000	LF	5	5000	\$ 45.00	\$ 45,000.00	\$ 6.00	\$ 6,000.00	\$ 25.00	\$ 25,000.00	\$ 30.00	\$ 30,000.00	\$ 15.69	\$ 15,690.00
7	213.2	Geogrid	39000	SF	1	39000	\$ 1.25	\$ 48,750.00	\$ 0.55	\$ 21,450.00	\$ 0.45	\$ 17,550.00	\$ 1.00	\$ 39,000.00	\$ 0.34	\$ 13,260.00
8	200-1.6	Rip Rap Outfall Protection	120	SF	20	2400	\$ 36.00	\$ 4,320.00	\$ 30.00	\$ 3,600.00	\$ 24.00	\$ 2,880.00	\$ 29.00	\$ 3,480.00	\$ 13.75	\$ 1,650.00
9	Plan Notes	Hydroseeding	2	A	4800	9600	\$ 2,700.00	\$ 5,400.00	\$ 6,000.00	\$ 12,000.00	\$ 4,300.00	\$ 8,600.00	\$ 2,730.00	\$ 5,460.00	\$ 7,500.00	\$ 15,000.00
10	206.5	Handrail	72	LF	50	3600	\$ 210.00	\$ 15,120.00	\$ 125.00	\$ 9,000.00	\$ 109.75	\$ 7,902.00	\$ 100.00	\$ 7,200.00	\$ 150.00	\$ 10,800.00
11	200-1.5.6	Infiltration Basin	2920	SF	15	43800	\$ 7.00	\$ 20,440.00	\$ 7.25	\$ 21,170.00	\$ 12.70	\$ 37,084.00	\$ 14.00	\$ 40,880.00	\$ 12.50	\$ 36,500.00
12	7-8.6	Erosion Control	1	LS	10000	10000	\$ 25,000.00	\$ 25,000.00	\$ 11,300.00	\$ 11,300.00	\$ 20,000.00	\$ 20,000.00	\$ 52,902.00	\$ 52,902.00	\$ 22,500.00	\$ 22,500.00
<b>TOTAL</b>						<b>445,000.00</b>	<b>\$ 1,443,940.00</b>	<b>\$ 1,052,200.00</b>	<b>\$ 791,118.00</b>	<b>\$ 1,157,750.00</b>	<b>\$ 415,750.00</b>	<b>\$ 1,754,580.00</b>	<b>\$ 1,462,819.32</b>	<b>\$ 1,462,819.32</b>	<b>\$ 1,462,819.32</b>	<b>\$ 1,462,819.32</b>

Comments:  
There were three (3) Addendums for this project.  
All bidders are deemed responsive and responsible.  
Mark Lee and Yong Kay ube Bay Construction Company's bid total is \$462,702.50 but should be \$462,819.32 (lines 6, 8, and 7 was off due to rounding)

Completed by: Paula Peav  Date: 2/27/2015  
Approved by:  Date: 3/3/15

**CITY OF OAKLAND  
OFFICE OF THE CITY ADMINISTRATOR  
CONTRACTS AND COMPLIANCE DIVISION**

**PROJECT: LAKE CHABOT GOLF COURSE (LCGC) DRIVING RANGE IMPROVEMENT PROJECT**

**PROJECT NO: C322810**

**BID DATE: February 26, 2015 Hearing Room 1, City Hall**

**ENGINEER'S ESTIMATE: \$445,000.00**

<b>BIDDER'S NAME</b>	<b>TOTAL BID (12 base bid)</b>	<b>CAMPAIGN CONTRIBUTION (SCHEDULE O) FORM SUBMITTED (Yes/No)</b>	<b>SUBCONTRACTOR, SUPPLIERS, AND TRUCKING LIST (SCHEDULE R) FORM SUBMITTED (Yes/No)</b>	<b>BID BOND FORM SUBMITTED (Cash, Certified Check, Cashier Check or Bid Bond)</b>	<b>ADDENDUM(S) <u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u> (Acknowledged and/or Submitted)</b>	<b>ALTERNATE BID AMOUNT(S) N/A</b>
<b>MCGUIRE &amp; HESTER</b>	<b>\$569,082.00</b>	<b>YES</b>	<b>YES</b>	<b>Bid Bond</b>	<b><u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u>  Acknowledged and Submitted</b>	1)
						2)
						3)
						4)
						5)
<b>BELIVEAU ENGINEERING CONTRACTORS, INC.</b>	<b>\$479,116.00</b>	<b>YES</b>	<b>YES</b>	<b>Bid Bond</b>	<b><u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u>  Acknowledged</b>	1)
						2)
						3)
						4)
						5)

O.C. JONES & SONS, INC.	\$415,726	YES	YES	Bid Bond	<u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u> Acknowledged	1)
						2)
						3)
						4)
						5)
GRANITE ROCK COMPANY	\$475,158	YES	YES	Bid Bond	<u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u> (Acknowledged and Submitted)	1)
						2)
						3)
						4)
						5)
MARK LEE AND YONG KAY, D.B.A. BAY CONSTRUCTION CO	\$462,702.50	YES	YES	Bid Bond	<u>Addendum No. 1 &amp; 2 Received and Distributed on 02/18/15</u> <u>Addendum No. 3 Received and Distributed on 02/19/15</u> Acknowledged	1)
						2)
						3)
						4)
						5)

Approved for Distribution: *D. [Signature]*  
 Comments: All Bidders are deemed responsive and responsible.

Date: 3/3/15

**ATTACHMENT C: COMPLIANCE ANALYSIS**



**INTER OFFICE MEMORANDUM**

**TO:** Lyle Oehler

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

**SUBJECT: Compliance Analysis**  
**Lake Chabot Golf Course Driving Range**  
**Improvement Project**

**DATE:** Original date March 10, 2015  
Revised date April 14, 2015

City Administrator's Office, Contracts and Compliance Unit reviewed five (5) 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 Company, Inc.	\$462,819.32	96.41%	0.00%	96.41%	0.00%	100%	96.41%	5%	\$439,678.35	Y
Boliveau Engineering Contractors	\$479,116.00	96.52%	0.00%	96.52%	0.00%	100%	96.52%	5%	\$455,160.20	Y
McGuire & Hester	\$569,082.00	96.07%	74.87%	25.13%	0.00%	100%	96.07%	5%	\$540,627.90	Y

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

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	
O.C. Jones, Inc.	\$415,726.00	85.01%	83.56%	1.45%	0.00%	100%	85.01%	0%	NA	N
Granite Rock Company	\$475,128.00	2.82%	0.00%	0.00%	2.82%	100%	2.82%	0%	NA	N

\*Granite Rock Company's proposed VSLBE/LPG participation value was 2.82%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Granite Rock Company is 5.64%.

**Comments:** As noted above, O.C. Jones, Inc and Granite Rock Company failed to meet the minimum 50% L/SLBE participation requirement. O.C. Jones has a 23.55% shortfall in the SLBE category. Both firms are deemed non-compliant. Neither firm is EBO compliant.



**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 Company, inc.  
**Project Name:**  
**Project No.:**

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

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

**15% Oakland Apprenticeship Program**

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

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	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		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
937	0	50%	469	100%	469	0	0	100%	141	15%	141	0

**Comments:** Mosto Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 70.5 on-site hours and 70.5 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 COMPLIANCE EVALUATION FOR :**

Project No. C322810

RE:

**Lake Chabot Golf Course Driving Range Improvement Project**

**CONTRACTOR: Bay Construction Company, Inc.**

<b><u>Engineer's Estimate:</u></b> \$445,000.00	<b><u>Contractors' Bid Amount</u></b> \$462,819.32	<b><u>Over/Under Engineer's Estimate</u></b> (\$17,819.32)
<b><u>Discounted Bid Amount:</u></b> \$439,678.35	<b><u>Amt. of Bid Discount</u></b> \$23,140.97	<b><u>Discount Points:</u></b> 5.00%
1. Did the 50% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 50% requirement		<b><u>YES</u></b>
a) % of LBE participation	<b><u>0.00%</u></b>	
b) % of SLBE participation	<b><u>96.41%</u></b>	
c) % of VSLBE participation	<b><u>0.00%</u></b>	0.00% (double counted value)
3. Did the contractor meet the L/SLBE Trucking requirement?		<b><u>YES</u></b>
a) Total L/SLBE trucking participation	<b><u>100.00%</u></b>	
a) Total VSLBE trucking participation	<b><u>0.00%</u></b>	
4. Did the contractor receive bid discount points?		<b><u>Yes</u></b>
(If yes, list the points received)	<b><u>5%</u></b>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

3/10/2015

Date

**Reviewing  
Officer:**

*Vivian D'Amico*

**Date:** 3/10/2015

**Approved By:**

*Shelley Sarenburg*

**Date:** 3/10/2015

## LBE/SLBE PARTICIPATION BIDDER 2

<b>Project Name:</b> Lake Chabot Golf Course Driving Range Improvement Project														
<b>Project No.:</b> C322810		<b>Engineers Est:</b> 445,000					<b>Under/Over Engineers Estimate:</b> -17,819							
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, Inc.	Oakland	CB		433,017.32		433,017.32			433,017.32	A	433,017.00		
Trucking	All City Trucking, Inc.	Oakland	CB		3,500		3,500	3,500	3,500	3,500	AI	3,500.00		
Project Site Insp.	Verux	Sacramento	UB							2,520	NL			
Handrail	Golden Bay Fence	Stockton	UB							8,622	NL			
Grading	PLS Surveys, Inc.	Oakland	CB		9,700		9,700			9,700	C		9700.00	
Hydroseeding	Green Growth Indus.	Pleasanton	UB							5,460.00	NL			
<b>Project Totals</b>				\$0.00	\$446,217.32	\$0.00	\$446,217.32	\$3,500.00	\$3,500.00	\$462,819.32		436,517.00	\$9,700.00	
				0.00%	96.41%	0.00%	96.41%	100.00%	100.00%	100.00%		0.00%	0.00%	
<b>Requirements:</b> 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.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

**CITY ADMINISTRATOR'S OFFICE**

Contracts and Compliance Unit



**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C322810

RE:

**Lake Chabot Golf Course Driving Range Improvement Project**

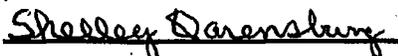
**CONTRACTOR: Beliveau Engineering Contractors**

<b>Engineer's Estimate:</b> \$445,000.00	<b>Contractors' Bid Amount</b> \$479,116.00	<b>Over/Under Engineer's Estimate</b> (\$34,116.00)
---	--	--

<b>Discounted Bid Amount:</b> \$455,160.20	<b>Amt. of Bid Discount</b> \$23,955.80	<b>Discount Points:</b> 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 **0.00%**
  - b) % of SLBE participation **96.52%**
  - c) % of VSLBE participation **0.00%**      0.00% (double counted value)
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100.00%**
  - a) Total VSLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discount points? **YES**
  - (If yes, list the points received) **5%**
- 5. Additional Comments.

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

<b>Reviewing Officer:</b>		<u>3/10/2015</u> Date
<b>Approved By:</b>		Date: <u>3/10/2015</u>

## LBE/SLBE PARTICIPATION BIDDER 4

Project Name:		Lake Chabot Golf Course Driving Range Improvement Project											
Project No.: C322810		Engineers Est: 445,000					Under/Over Engineers Estimate: -34,116						
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  Hydroseeding/Erosion Trucking	Beliveau Engineering Contractors	Oakland	CB		461,454.00		461,454.00			461,454.00	C		
	Green Growth Industries	Pleasanton	UB							16,662.00	C		
	All City Trucking	Oakland	CB		1,000.00		1,000.00	1,000.00	1,000.00	1,000.00	AI	1,000.00	
<b>Project Totals</b>				\$0.00	462,454.00	0.00	462,454.00	1,000.00	1,000.00	479,116.00		\$1,000	\$0
				0.00%	96.52%	0.00%	96.07%	100.00%	100.00%	100.00%		0.21%	0%
<b>Requirements:</b> 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 LPB/VSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									



## LBE/SLBE PARTICIPATION BIDDER 5

Project Name:		Lake Chabot Golf Course Driving Range Improvement Project											
Project No.: C322810		Engineers Est: 445,000				Under/Over Engineers Estimate: -124,082							
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 Trucking Concrete/Erosion Subdrain	McGuire & Hester	Oakland	CB	426,082			426,082.00			426,082.00	C		
	S&S Trucking	Oakland	CB		22,000.00		22,000.00	22,000.00	22,000.00	22,000.00	H	22,000	
	Turner Group Construction	Oakland	CB		91,000.00		91,000.00			91,000.00	AA	91,000	
	Ray's Electric	Oakland	CB		30,000.00		30,000.00			30,000.00	C		
<b>Project Totals</b>				\$426,082	143,000.00	0.00	569,082.00	22,000.00	22,000.00	569,082.00		\$113,000	\$0
				74.87%	25.13%	0.00%	96.07%	100.00%	100.00%	100.00%		19.86%	0%
<b>Requirements:</b> 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 LPB/VSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise						UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C322810**

**RE:**

**Lake Chabot Golf Course Driving Range Improvement Project**

**CONTRACTOR: O.C. Jones, Inc.**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$445,000.00	\$415,726.00	\$29,274.00
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
NA	NA	NA
1. Did the 50% local/small local requirement apply:		<b>YES</b>
2. Did the contractor meet the 50% requirement		<b>NO</b>
a) % of LBE participation <b>83.56%</b>		
b) % of SLBE participation <b>1.45%</b>		
c) % of VSLBE participation <b>0.00%</b>		<b>0.00%</b> (double counted value)
3. Did the contractor meet the L/SLBE Trucking requirement?		<b>YES</b>
a) Total L/SLBE trucking participation <b>100.00%</b>		
a) Total VSLBE trucking participation <b>0.00%</b>		
4. Did the contractor receive bid discount points?		<b>NO</b>
(if yes, list the points received) <b>0%</b>		
5. Additional Comments.		
Contractor failed to meet the minimum 50% L/SLBE participation requirement. Firm has a 23.55% shortfall in the SLBE category. Therefore, they are non-compliant with the L/SLBE requirement.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

4/14/2015

Date

**Reviewing Officer:**

*Vivian Johnson*

**Date:** 4/14/2015

**Approved By:**

*Deborah Burns*

**Date:** 4/14/2015

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name:		Lake Chabot Golf Course Driving Range Improvement Project												
Project No.: C322810		Engineers Est: 445,000				Under/Over Engineers Estimate: 29,274								
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	O.C. Jones, Inc.	Oakland	CB	347,361			347,361			347,361.00	C			
Trucking	CJC Trucking	Oakland	CB		6,032		6,032	6,032	6,032	6,032	AA	6,032		
Handrail	Golden Bay Fence Plus Works	Stockton	UB							7,902	H	7,902		
Minor Concrete Erosion Control	MF Maher, Inc.	Vallejo	UB							37,508	NL			
	Manha Landscape	Livermore	UB							16,923				
<b>Project Totals</b>				\$347,361.00	\$6,032.00	\$0.00	\$353,393.00	\$6,032.00	\$6,032.00	\$415,726.00		13,934	\$0	
				83.56%	1.45%	0.00%	85.01%	0%	0%	100%		3.35%	0%	
<b>Requirements:</b> 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.											<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C322810**

**RE: Lake Chabot Golf Course Driving Range Improvement Project**

**CONTRACTOR: Granite Rock Company**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u>
\$445,000.00	\$475,158.00	<u>Engineer's Estimate</u>
		(\$30,158.00)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	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 **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **2.82%**      **5.64% (double counted value)**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100.00%**
  - a) Total VSLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discount points? **NO**
  - (If yes, list the points received) **0%**

5. Additional Comments.

**Contractor failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non compliant.**

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

3/10/2015

Date

**Reviewing Officer:**

*Victoria J. ...*

**Date:** 3/10/2015

**Approved By:**

*Shelley Dorensburg*

**Date:** 3/10/2015

# LBE/SLBE PARTICIPATION

## BIDDER 3

Project Name: Lake Chabot Golf Course Driving Range Improvement Project													
Project No.: C322810		Engineers Est: 445,000				Under/Over Engineers Estimate: -30,158							
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	Granite Rock Company	Oakland	UB							337,870.00	NL		
Trucking	Monroe's Trucking	Oakland	CB			13,400.00	13,400.00	13,400.00	13,400.00	13,400.00	AA	13,400	
Base Rock & Sand Materials	Argent Materials	Oakland	UB							18,284.00	NL		
Pipe & Frabric Material	Reed & Graham	San Jose	UB							18,886.00	NL		
Concrete	Belmonte's Concrete Services	Oakland	UB							70,056.00	NL		
Erosion Control	Green Growth Industries	Pleasanton	UB							16,662.00	H		
<b>Project Totals</b>				\$0.00	\$0.00	\$13,400.00	\$13,400.00	\$13,400.00	\$13,400.00	\$475,158.00		\$13,400	\$0.00
				0.00%	0.00%	2.82%	0.00%	100.00%	100.00%	100.00%		2.82%	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 LPG/VSLBE's participation is double counted toward meeting the requirements.

**Legend:**

LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise	UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise
---	---

**Ethnicity Legend:**

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

Proposed VSLBE participation is valued at 2.82%, however, per the L/SLBE Program and VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 5.64%.

# ATTACHMENT D: CONTRACTOR PERFORMANCE EVALUATION

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

Project Number/Title: C274251 - Burkhalter Park

Work Order Number (if applicable): 7

Contractor: Bay Construction

Date of Notice to Proceed: May 27, 2014

Date of Notice of Completion: February 18, 2015

Date of Notice of Final Completion: February 18, 2015

Contract Amount: \$84,000.00

Evaluator Name and Title: Henry Choi, Resident Engineer

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

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

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

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

### ASSESSMENT GUIDELINES:

<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 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 type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**FINANCIAL**

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

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	<b>Overall, how did the Contractor rate on communication issues?</b> 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	<b>Overall, how did the Contractor rate on safety issues?</b> The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

## OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

### PROCEDURE:

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

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

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

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

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

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

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

  
Contractor / Date

 02/18/15  
Resident Engineer / Date

 2/20/15  
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

**OAKLAND CITY COUNCIL**

*Macaulay*  
City Attorney

2015 APR 29 PM 1:00

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

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE A CONSTRUCTION CONTRACT WITH BAY CONSTRUCTION COMPANY, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKE CHABOT GOLF COURSE DRIVING RANGE IMPROVEMENT PROJECT (PROJECT NO. C322810) AND WITH CONTRACTOR'S BID, IN THE AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND EIGHT HUNDRED NINETEEN DOLLARS AND THIRTY-TWO CENTS (\$462,819.32)**

**WHEREAS**, the Lake Chabot Golf Course (LCGC) is owned by the City of Oakland and provides an important recreational amenity for the residents of Oakland and its surrounding communities; and

**WHEREAS**, green fees and cart fees at LCGC have remained reasonable in comparison to other local courses, making LCGC one of the best golf values in the Bay Area and making the game of golf accessible to the residents of Oakland and its surrounding communities; and

**WHEREAS**, LCGC serves as home to three youth programs, including the Lake Chabot Golf Academy, the Oakland Parks and Recreation Department's ACE Kids Golf Program and the Oakland First Tee Program and these programs provide hands-on golf instruction, on-course playing and competitive opportunities for 1,000 youth per year for youth ages 7 through 17; and

**WHEREAS**, the City Council authorized and approved the execution of a management and operation agreement for LCGC with Touchstone Golf, LLC, per Resolution No. 83671 C.M.S. on December 20, 2011, and this agreement was subsequently executed on April 10, 2012, and includes responsibility for the administration of capital improvement projects on LCGC; and

**WHEREAS**, the existing driving range at LCGC is significantly deficient and does not provide an adequate facility for players to learn and improve their game nor is it acceptable for preparing for a round of golf; and

**WHEREAS**, the proposed improvements to the driving range will increase revenues, which are projected to pay for the project investment within 10 years and, thereafter, will support additional capital improvements at LCGC; and

**WHEREAS**, the LCGC Driving Range Improvement Project was approved by the City of Oakland Planning Commission on September 17, 2014 and the construction documents were approved by the Oakland Parks and Recreation Director on January 14, 2015; and

**WHEREAS**, this project was advertised by the City of Oakland Contracts and Compliance Unit on January 20, 2015, and five bids were received by the Office of the City Clerk on February 26, 2015; and

**WHEREAS**, two of the bidders were deemed non-responsive to the City's LBE/SLBE or bid program submittal requirements and three bidders were deemed responsive and responsible in meeting the City's LBE/SLBE and bid program submittal requirements; and

**WHEREAS**, Bay Construction Company, Inc. submitted the lowest, responsive and responsible bid meeting the City's LBE/SLBE and bid program submittal requirements; and

**WHEREAS**, sufficient funds are available in the Golf Fund (3200) for award of the construction contract and to provide for a reasonable construction contingency; and

**WHEREAS**, the City Administrator has determined 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 the performance of this contract is temporary in 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 City Administrator or his Designee, is authorized to execute a construction contract with Bay Construction Company, Inc., the lowest responsive and responsible bidder, in accordance with project plans and specifications for the LCGC Driving Range Improvement Project (Project No. C322810) and with contractor's bid, in the amount of Four Hundred Sixty-Two Thousand Eight Hundred Nineteen Dollars and Thirty-Two Cents (\$462,819.32); and be it

**FURTHER RESOLVED:** That the City Council hereby rejects all other bids; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project including any subsequent changes during construction, that will be reviewed and adopted by the Director of Oakland Parks and Recreation Department, or her designee, are hereby approved; and be it

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

**FURTHER RESOLVED:** That based on the information provided by the City Administrator, the City Council hereby finds that this contract is in the public interest because of economy or better performance and that the contract shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

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

**FURTHER RESOLVED:** That Touchstone Golf, LLC, under the authority of their management agreement with the City, is responsible for administering the construction contract under the direction of the Director of the Oakland Parks and Recreation Department; 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, 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