



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 NOV 19 PM 12:30

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: Citywide Curb Ramps and Sidewalk Repair

DATE: October 12, 2015

City Administrator Approval

Date:

11/18/15

RECOMMENDATION

Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To Seton Pacific Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Citywide Curb Ramps And Sidewalk Repair (Project No. C428014) And With Contractor's Bid In The Amount Of Six Hundred Ninety-Six Thousand And Nine Hundred Fifty-Five Dollars (\$696,955.00).

A Resolution Awarding A Construction Contract To Rosas Brothers Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Curb Ramps On International Boulevard Along Bus Rapid Transit Corridor (Project No. C428015) And With Contractor's Bid In The Amount Of Six Hundred Fifty-Five Thousand And Six-Hundred Dollars (\$655,600.00).

EXECUTIVE SUMMARY

Approval of the resolution awarding a construction contract to Seton Pacific Construction will authorize the City Administrator to execute a construction contract with Seton Pacific Construction in the amount of \$696,955.00 for Citywide Curb Ramps and Sidewalk Repair, Project No. C428014.

Approval of the resolution awarding a construction contract to Rosas Brothers Construction will authorize the City Administrator to execute construction contracts in the amount of \$655,600.00 for Curb Ramps on International Boulevard along Bus Rapid Transit Corridor, Project No. C428015.

Item: _____
Public Works Committee
December 1, 2015

BACKGROUND / LEGISLATIVE HISTORY

On September 10, 2015, the City Clerk received four bids for Citywide Curb Ramps and Sidewalk Repair (Project No. C428014) in the amounts of \$626,755.00, \$696,955.00, \$706,055.00 and \$718,167.50. The lowest bidder failed to meet the contract requirements and therefore was deemed non-responsive. Seton Pacific Construction, the second bidder, is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$629,612.00 and in general includes forty two thousand square feet of sidewalk, sixty new and modified curb ramps, and related ancillary items required for the construction of sidewalk and curb ramps.

On September 10, 2015, the City Clerk received three bids for Curb Ramps on International Boulevard along Bus Rapid Transit Corridor (Project No. C428015) in the amounts of \$553,500.00, \$665,600.00 and \$1,712,570.00. The lowest bidder failed to meet the contract requirements and therefore was deemed non-responsive. Rosas Brothers Construction, the second bidder, is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$499,238.00 which is lower than the average of the two lowest bids. Staff had analyzed these bids and found that they are within industry standard. The work, in general, includes five thousand square feet of sidewalk, two hundred and fifty two new and modified curb ramps, and related ancillary items required for the construction of sidewalk and curb ramps.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of the resolution (Project No. C428014) will allow the City Administrator or designee to execute a construction contract with Seton Pacific Construction for Citywide Curb Ramps and Sidewalk Repair consistent in accordance with City's sidewalk prioritization plan approved in Resolution No. 81751 C.M.S. in the amount of \$696,955.00. Specifically, this contract will start addressing curb ramps and sidewalk repair along San Pablo Avenue, West Grand Avenue, areas surrounding 19th Street and West Oakland Bart stations and the Jack London Square Oakland Amtrak station.

Under the proposed contract with Seton Pacific Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 63.85%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the 50% requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office and shown in **Attachment A**.

Construction scheduled for this yearly Citywide construction contract is to begin in January/February 2016 and should be completed in one year. The contract specifies \$200.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

Adoption of the resolution (Project No. C428015) will allow the City Administrator or designee to execute a construction contract with Rosas Brothers Construction for Curb Ramps on

International Boulevard along Bus Rapid Transit Corridor in the amount of \$696,955.00 for 248 constructed or reconstructed curb ramps.

As part of the interagency effort to implement the AC Transit East Bay Bus Rapid Transit (BRT) Project and make comprehensive bike and pedestrian improvements along the entire corridor, the City agreed to earmark Fiscal Year 2015-17 Americans with Disabilities Act (ADA) Curb Ramp Transition Plan funding not to exceed \$1.3 million in total to construct or reconstruct over 250 curb ramps at street intersections between proposed BRT stations. These transit corridor improvements along Broadway, East 11th and East 12th Streets, and International Boulevard are commensurate with the 2009 ADA Transition Plan and 2008 Sidewalk Repair Program Prioritization adopted by the City Council.

Curb ramps on International Boulevard along BRT corridor will be completed in two phases. Phase One will be completed under this contract award with Rosas Brothers Construction in the amount of \$696,955.00. Phase Two will be completed in fiscal year 2016-17 through a separate bid and award process.

Under the proposed contract with Rosas Brothers Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 100%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the 50% requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office and shown in **Attachment A**.

Construction scheduled for this construction contract is to begin in January/February 2016 and should be completed by the end of next year. This is a two-year project anticipating unforeseen delays in the Bus Rapid Transit project schedule. The contract specifies \$200.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

FISCAL IMPACT

The total one-time cost to implement Citywide Curb Ramps and Sidewalk Repair is included in the FY 2015-16 Budget in Measure B Fund 2211, Organization 92242 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project C428014.

The total one-time cost to implement Curb Ramps on International Boulevard along Bus Rapid Transit Corridor is included in the FY 2015-16 Budget in Measure B Fund 2211, Organization 92242 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project C428015.

The projects are part of the City's ongoing sidewalk repair and ADA compliant curb ramp installation to reduce City's trip and fall liability and benefitting those with disabilities in accordance with the city's adopted ADA Curb Ramp Transition Plan.

PUBLIC OUTREACH / INTEREST

Prior to starting construction, residents and businesses affected by the work will be notified individually of the construction schedule and planned activities.

COORDINATION

The work under this contract was coordinated with Oakland Public Works - Bureau of Infrastructure and Operations and Contracts and Compliance Division. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Seton Pacific Construction is unavailable since this contractor has no history with the City. The performance evaluation for Rosas Brothers Construction is included as **Attachment B**.

SUSTAINABLE OPPORTUNITIES

Economic: The contractors are verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in dollars being spent locally.

Environmental: Sidewalk repair and curb ramp construction will make the City more accessible to those with disabilities, thus preventing potential harm to citizens and reducing trip and fall claims. The contractor will be required to make every effort to use best management Practices for the protection of storm water runoff during construction.

Social Equity: This project is part of the City's curb ramp and sidewalk program to help Oakland move closer to an accessible City benefiting all residents.

ACTION REQUESTED OF THE CITY COUNCIL

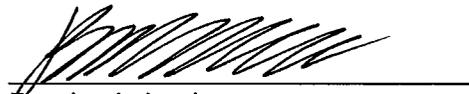
Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To Seton Pacific Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Citywide Curb Ramps And Sidewalk Repair (Project No. C428014) And With Contractor's Bid In The Amount Of Six Hundred Ninety-Six Thousand And Nine Hundred Fifty-Five Dollars (\$696,955.00).

A Resolution Awarding A Construction Contract To Rosas Brothers Construction, The Lowest Responsive And Responsible Bidder In Accordance With Project Plans And Specifications For Curb Ramps On International Boulevard Along Bus Rapid Transit Corridor (Project No. C428015) And With Contractor's Bid In The Amount Of Six Hundred Fifty-Five Thousand And Six-Hundred Dollars (\$655,600.00).

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager at (510) 238-6601.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

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

Reviewed by:
Gus Amirzehni, P.E., Engineering Design and
R.O.W. Division Manager

Prepared by:
Kevin Kashi, P.E., Supervising Civil Engineer
Engineering Design and R.O.W. Mgmt Division

Attachments (2)

A: Contracts & Compliance Unit Compliance Evaluation

B: Contractor Performance Evaluation

Attachment A



INTER OFFICE MEMORANDUM

TO: Cesar A. Fortuno,
Assistant Engineer II

FROM: Deborah Barnes, Director
Contracts & Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Citywide Curb Ramps and Sidewalk Repair
Project No. C428014

DATE: October 2, 2015

City Administrator's Office, Contracts and Compliance Unit reviewed four (4) bids in response to the above referenced project. Below is 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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the apparent low bidder on their most recently completed City of Oakland project.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO ? 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	
Seton Pacific	\$696,955.00	42.33% *63.85%	20.09%	0.72%	21.52% *43.04%	100%	63.85%	3%	\$676,046.35	N
Rosas Brothers	\$718,167.50	73.65% *77.55%	0.00%	69.75%	3.90% *7.80%	100%	77.55%	4%	\$689,440.80	Y

* Seton Pacific Construction and Rosas Brothers Construction's proposed VSLBE/LPG participation values are 21.52% and 3.90%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, VSLBE/LPG values for Seton Pacific and Rosas Brothers are 43.04%, and 7.80% respectively.

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

Non-Compliant with 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	L/SLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	Adjusted Bid Amount	
AJW Construction	\$626,755	97.06%	0%	94.03%	3.03%	100%	NA	NA	NA	NA	Y
Beliveau Engineering	\$706,055	100%	0%	100%	0%	100%	NA	NA	NA	NA	Y

Comments: As noted above, AJW Construction achieved 97.06% and Beliveau Engineering Contractors, Inc. achieved 100% L/SLBE participation. However, they failed to list suppliers. Therefore, they are non-compliant.

For Informational Purposes: 50% Local Employment Program (LEP) and 15% Oakland Apprenticeship Program

Please Note: No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Seton Pacific Construction. They have not completed any project for the City of Oakland in the last fiscal year.

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

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428014

RE: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Seton Pacific Construction

<u>Engineer's Estimate:</u> \$629,612.00	<u>Contractors' Bid Amount</u> \$696,955.00	<u>Over/Under Engineer's Estimate</u> (\$67,343.00)
<u>Discounted Bid Amount:</u> \$676,046.35	<u>Amt. of Bid Discount</u> \$20,908.65	<u>Discount Points:</u> 3.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>20.09%</u>	
b) % of SLBE participation	<u>0.72%</u>	
c) % of VSLBE participation	<u>21.52%</u>	
		43.04% (double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)		<u>3%</u>
5. Additional Comments.		
Proposed VSLBE/LPG participation is valued at 21.52%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 43.04%. Due to bid discounts awarded, Seton became the third lowest bidder.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

9/29/2015

Date

Reviewing Officer:

Stephen H. [Signature]

Date: 9/29/2015

Approved By:

Shelley Sarenburg

Date: 9/29/2015

LBE/SLBE Participation Bidder 3

Project Name: Citywide Curb Ramps and Sidewalk Repair														
Project No.: C428014		Engineer's Estimate 629,612.00				Under/Over Engineers Estimate: -67,343.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Seton Pacific Construction	SF	UB								516,955.00			
Trucking	All City Trucking	Oakland	CB		5,000.00		5,000.00		5,000.00	5,000.00	5,000.00	AI	5,000.00	
Concrete Supply	Central Concrete Supply	Oakland	CB	140,000.00		140,000.00					140,000.00	C		
Aggregate Supply	Argent Materials	Oakland	CB			10,000.00	10,000.00				10,000.00	C		
Tree Work	Graham Tree Service	Oakland	UB								25,000.00			
Project Totals				140,000.00 20.09%	5,000.00 0.72%	150,000.00 21.52%	15,000.00 42.33%	0.00 0.00%	5,000.00 100.00%	5,000.00 100%	696,955.00 100%		5,000.00 0.72%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.											Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

** Proposed VSLBE/LPG participation is valued at 21.52%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428014

RE:

Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Rosas Brothers Construction

<u>Engineer's Estimate:</u> \$629,612.00	<u>Contractors' Bid Amount</u> \$718,167.50	<u>Over/Under Engineer's Estimate</u> (\$88,555.50)
<u>Discounted Bid Amount:</u> \$689,440.80	<u>Amt. of Bid Discount</u> \$28,726.70	<u>Discount Points:</u> 4%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>69.75%</u>	
c) % of VSLBE participation	<u>3.90%</u>	7.80% (double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)		<u>4%</u>
5. Additional Comments.		
Proposed VSLBE/LPG participation is valued at 3.90%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 7.80%.		

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

9/29/2015

Date

Reviewing Officer:

[Signature]

Date: 9/29/2015

Approved By:

Shelley Qarensburg

Date: 9/29/2015

LBE/SLBE Participation Bidder 4

Project Name: Citywide Curb Ramps and Sidewalk Repair														
Project No.: C428014		Engineer's Estimat 629,612.00			Under/Over Engineers Estimate: -88,555.50									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Rosas Brothers Construction	Oakland	CB		486,917.50		486,917.50				486,917.50	H	486,917.50	
Cement	Central Concrete Supply	San Jose	UB								155,000.00	NL		
Trucking	S & S Trucking	Oakland	CB		14,000.00		14,000.00		14,000.00	14,000.00	14,000.00	H	14,000.00	
ADA	Hub Construction	Oakland	UB								15,000.00	NL		
DOHES	Hub Construction	Oakland	UB								15,000.00	NL		
Asphalt	Gallagher & Burk	Oakland	CB			25,000.00	25,000.00				25,000.00	C		
Base Rock	Argent Materials	Oakland	CB			3,000.00	3,000.00				3,000.00	C		
Saw Cutting	Precision Concrete Cutting	San Mateal Lake	UB								17,250.00	NL		
Root	Villa Landscape	Elsinore	UB								2,000.00	NL		
Project Totals				0.00 0.00%	500,917.50 69.75%	28,000.00 3.90%	528,917.50 73.65%	0.00 0.00%	14,000.00 100.00%	14,000.00 100%	718,167.50 100%		500,917.50 69.75%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE=Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise														

** Proposed VSLBE/LPG participation is valued at 3.90%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428014

RE: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>	
\$629,612.00	\$626,755.00	\$2,857.00	
<u>Discounted Bid Amount: Amt. of Bid Discount</u>		<u>Discount Points:</u>	
\$626,755.00	\$0.00	0.00%	
1. Did the 50% local/small local requirement apply:		<u>YES</u>	
2. Did the contractor meet the 50% requirement		<u>YES</u>	
a) % of LBE participation	<u>0.00%</u>		
b) % of SLBE participation	<u>94.03%</u>		
c) % of VSLBE participation	<u>3.03%</u>	<u>6.06%</u>	(double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>	
a) Total L/SLBE trucking participation	<u>0.00%</u>		
a) Total VSLBE trucking participation	<u>100.00%</u>		
4. Did the contractor receive bid discount points?		<u>YES</u>	
(If yes, list the points received)		<u>0%</u>	
5. Additional Comments.			
Contractor achieved 97.06% L/SLBE participation. However, they failed to list suppliers. therefore, they are non-compliant Proposed VSLBE/LPG participation is valued at 3.03%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 6.06%.			
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.			

9/29/2015

Date

Reviewing Officer:

Stephen Hutz

Date: 9/29/2015

Approved By:

Shelley Darenburg

Date: 9/29/2015

LBE/SLBE Participation Bidder 1

Project Name: Citywide Curb Ramps and Sidewalk Repair														
Project No.: C428014		Engineer's Estimate: 629,612.00			Under/Over Engineers Estimate: 2,857.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Horizontal Conc. Cutting Trucking	AJW Construction	Oakland	CB		589,355.00		589,355.00				589,355.00	H	589,355.00	
	Precision Concrete Cutting	San Mateal	UB								18,400.00	C		
	UJ Trucking	Oakland	CB			19,000.00	19,000.00	19,000.00		19,000.00	19,000.00	H	19,000.00	
Project Totals				0.00 0.00%	589,355.00 94.03%	19,000.00 3.03%	608,355.00 97.06%	19,000.00 100.00%	0.00 0.00%	19,000.00 100%	626,755.00 100%		608,355.00 97.06%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend														
LBE = Local Business Enterprise					UB = Uncertified Business									
SLBE = Small Local Business Enterprise					CB = Certified Business									
VSLBE-Very Small Local Business Enterprise					MBE = Minority Business Enterprise									
LPG = Locally Produced Goods					WBE = Women Business Enterprise									
Total LBE/SLBE = All Certified Local and Small Local Businesses														
NPLBE = NonProfit Local Business Enterprise														
NPSLBE = NonProfit Small Local Business Enterprise														

** Proposed VSLBE/LPG participation is valued at 3.03%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428014

RE:

Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$629,612.00	\$706,055.00	(\$76,443.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$670,752.25	\$35,302.75	5.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>100.00%</u>	
c) % of VSLBE participation	<u>0.00%</u>	0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)		<u>5%</u>
5. Additional Comments.		
Due to bid discounts awarded, Beliveau Engineering Contractors emerged as the second lowest bidder.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

9/29/2015

Date

Reviewing Officer:

Stephen Hung

Date: 9/29/2015

Approved By:

Shelley Orensburg

Date: 9/29/2015

LBE/SLBE Participation Bidder 2

Project Name: Citywide Curb Ramps and Sidewalk Repair														
Project No.: C428014		Engineer's Estimate 629,612.00				Under/Over Engineers Estimate: -76,443.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME Trucking	Beliveau Engineering Contractors, Inc.	Oakland	CB		701,055.00		701,055.00				701,055.00	C		
	All City Trucking, Inc.	Oakland	CB		5,000.00		5,000.00		5,000.00	5,000.00	5,000.00	AI	5,000.00	
Project Totals				0.00 0.00%	706,055.00 100.00%	0.00 0.00%	706,055.00 100.00%	0.00 0.00%	5,000.00 100.00%	5,000.00 100%	706,055.00 100%		5,000.00 0.71%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise														



INTER OFFICE MEMORANDUM

TO: Cesar A. Fortuno,
Assistant Engineer II

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

SUBJECT: Compliance Analysis
Curb Ramps on International Blvd. along Bus Rapid Transit Corridor
Project No. C428015

DATE: October 2, 2015

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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Rosas Brothers Construction	\$655,600.00	95.12% *100.46%	25.17%	64.61%	5.34% *10.68%	100.00%	100.46%	5%	\$622,820.00	Y

* Rosas Brothers Construction's proposed VSLBE/LPG participation value is 5.34%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Rosas Brothers Construction is 10.68%.

Comments: As noted above, firm met exceeded the minimum 50% L/SLBE participation requirement. They are EBO compliant.

Non-Compliant with 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	L/SLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	Adjusted Bid Amount	
AJW Construction	\$533,500.00	100.00% *102.81	0.00%	97.19%	2.81% *5.62%	100%	0%	NA	NA	NA	Y
Gordon N. Ball, Inc.	\$1,712,570.00	31.79% *34.37%	6.63%	22.18%	2.98% *5.96%	100%	0%	NA	NA	NA	Y

* AJW Construction and Gordon N. Ball, Inc.'s proposed VSLBE/LPG participation values are 2.81% and 2.98%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for AJW Construction and Gordon N. Ball, Inc. are 5.62% and 5.96% respectively.

Comments: As noted above, AJW achieved 100% L/SLBE participation. However, they failed to list suppliers in excess of ½ of 1% as required. Therefore, they are non-compliant. Gordon N. Ball, Inc. failed to meet minimum 50% L/SLBE participation requirement with a 18.21% SLBE shortfall. Therefore, they are non-compliant to L/SLBE 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.

Contractor Name: Rosas Brothers Construction

Project Name: On Call Citywide Sidewalk Repair for Fiscal Year 2007-08 Contract District 1-3

Project No: C269160A

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	697.28
Were shortfalls satisfied?	No	If no, penalty amount?	\$18,177.96

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			
1548	0	50%	774	100%	774	N/A	0	100%	0	15%	464	464

Comments: Rosas Construction was compliant with the Local Employment Program's 50% resident hiring goal and was non compliant with the 15% Oakland Apprenticeship Program goal. Shortfall dollars have been forfeited.

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

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No: C428015

RE:

Curb Ramps on International Blvd. along Bus Rapid Transit Corridor

CONTRACTOR: Rosas Brothers Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$499,238.00	\$655,600.00	(\$156,362.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$622,820.00	\$32,780.00	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	25.17%	
b) % of SLBE participation	64.61%	
c) % of VSLBE participation	5.34%	10.68% (double counted value)
3. Did the contractor meet the 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.		
Proposed VSLBE/LPG participation is valued at 5.34%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 10.68%.		

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

9/29/2015

Date

Reviewing Officer:

[Signature]

Date: 9/29/2015

Approved By:

Shelley Danenberg

Date: 9/29/2015

LBE/SLBE Participation Bidder 2

Project Name: Curb Ramps on International Blvd. along Bus Rapid Transit Corridor														
Project No.: C393710		Engineer's Estimat 629,612.00				Under/Over Engineers Estimate: -25,988.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Rosas Brothers Construction	Oakland	CB		405,600.00		405,600.00				405,600.00	H	405,600.00	
Cement	Central Concrete Supply	Oakland	CB	165,000.00			165,000.00				165,000.00	C		
Trucking	S & S Trucking	Oakland	CB		18,000.00		18,000.00		18,000.00	18,000.00	18,000.00	H	18,000.00	
ADA	Hub Construction	Oakland	UB								30,000.00	NL		
DOHES	Gallagher & Burk	Oakland	CB			30,000.00	30,000.00				30,000.00	C		
Asphalt	Argent Materials	Oakland	CB			5,000.00	5,000.00				5,000.00	C		
Base Rock	Villa Landscape	Lake Elsinore	UB								2,000.00	NL		
Root														
Project Totals				165,000.00 25.17%	423,600.00 64.61%	35,000.00 5.34%	623,600.00 95.12%	0.00 0.00%	18,000.00 100.00%	18,000.00 100%	655,600.00 100%		423,600.00 64.61%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.											Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise											UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

** Proposed VSLBE/LPG participation is valued at 5.34%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428015

RE: Curb Ramps on International Blvd. along Bus Rapid Transit Corridor

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>	
\$499,238.00	\$533,500.00	(\$34,262.00)	
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>	
\$533,500.00	\$0.00	0.00%	
1. Did the 50% local/small local requirement apply:		<u>YES</u>	
2. Did the contractor meet the 50% requirement		<u>YES</u>	
a) % of LBE participation	<u>0.00%</u>		
b) % of SLBE participation	<u>97.19%</u>		
c) % of VSLBE participation	<u>2.81%</u>		(double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>	5.62%
a) Total L/SLBE trucking participation	<u>0.00%</u>		
a) Total VSLBE trucking participation	<u>100.00%</u>		
4. Did the contractor receive bid discount points?		<u>NO</u>	
(if yes, list the points received)	<u>0%</u>		

5. Additional Comments.

Contractor achieved 100% L/SLBE participation. However, they failed to list suppliers. therefore, they are non-compliant. Proposed VSLBE/LPG participation is valued at 2.81%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirment. Therefore, the VSLBE/LPG value is 5.62%.

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

9/29/2015

Date

Reviewing Officer:

[Signature]

Date: 9/29/2015

Approved By:

[Signature: Shelley Sarenburg]

Date: 9/29/2015

LBE/SLBE Participation Bidder 1

Project Name:		Curb Ramps on International Blvd. along Bus Rapid Transit Corridor														
Project No.:		C428015			Engineer's Estimate			499,238.00			Under/Over Engineers Estimate:			-34,262.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity				
												Ethn.	MBE	WBE		
PRIME Trucking	AJW Construction	Oakland	CB		518,500		518,500				518,500	H	518,500			
	UJ Trucking	Oakland	CB			15,000	15,000	15,000		15,000	15,000	H	15,000			
Project Totals				0 0.00%	518,500 97.19%	15,000 2.81%	533,500 100.00%	15,000 100.00%	0 0.00%	15,000 100%	533,500 100%		533,500 100.00%	0 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 and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend																
LBE = Local Business Enterprise					UB = Uncertified Business											
SLBE = Small Local Business Enterprise					CB = Certified Business											
VSLBE-Very Small Local Business Enterprise					MBE = Minority Business Enterprise											
LPG = Locally Produced Goods					WBE = Women Business Enterprise											
Total LBE/SLBE = All Certified Local and Small Local Businesses																
NPLBE = NonProfit Local Business Enterprise																
NPSLBE = NonProfit Small Local Business Enterprise																

** Proposed VSLBE/LPG participation is valued at 2.81%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428015

RE:

Curb Ramps on International Blvd. along Bus Rapid Transit Corridor

CONTRACTOR: Gordon N. Ball, Inc.

Engineer's Estimate:
\$499,238.00

Contractors' Bid Amount
\$1,712,570.00

Over/Under Engineer's Estimate
(\$1,213,332.00)

Discounted Bid Amount:

\$1,712,570.00

Amt. 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 **6.63%**
b) % of SLBE participation **22.18%**

c) % of VSLBE participation **2.98%**

5.97%

(double counted value)

3. Did the contractor meet the 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 with a 18.21% SLBE shortfall. Therefore, they are non-compliant to L/SLBE requirement. Proposed VSLBE/LPG participation is valued at 2.98%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 5.97%.

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

9/29/2015

Date

Reviewing Officer:

[Signature]

Date: 9/29/2015

Approved By:

Shelley Darenburg

Date: 9/29/2015

LBE/SLBE Participation Bidder 3

Project Name: Curb Ramps on International Blvd. along Bus Rapid Transit Corridor														
Project No.: C428015		Engineer's Estimate 499,238.00				Under/Over Engineers Estimate: -1,213,332.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME Concrete Supply	Gordon N. Ball, Inc.	Alamo	UB								1,168,170.00	NL		
	Central Concrete Supply	Oakland	CB	113,500.00			113,500.00				113,500.00	C		
AC Supply Aggregate Supply	Gallagher & Burk	Oakland	CB			28,100.00	28,100.00				28,100.00	C		
	Argent Materials	Oakland	CB			23,000.00	23,000.00				23,000.00	C		
Import & off Haul Trucking	S & S Trucking	Oakland	CB		97,800.00		97,800.00		97,800.00	97,800.00	97,800.00	H	97,800.00	
Concrete Work	D-Line Construction	Oakland	CB		282,000.00		282,000.00				282,000.00	H	282,000.00	
Project Totals				113,500.00 6.63%	379,800.00 22.18%	51,100.00 2.98%	544,400.00 31.79%	0.00 0.00%	97,800.00 100.00%	97,800.00 100%	1,712,570.00 100%		379,800.00 22.18%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific		

** Proposed VSLBE/LPG participation is valued at 2.98%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

Attachment B

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

Project Number/Title: C317510 – On-Call Citywide Sidewalk Repair Project

Work Order Number (if applicable): _____

Contractor: Rosas Brothers Construction, Inc.

Date of Notice to Proceed: 8-17-2009

Date of Notice of Completion: 9-16-2013

Date of Notice of Final Completion: 9-16-2013

Contract Amount: \$1,376,667.00

Evaluator Name and Title: Cesar A. Fortuno, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input 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	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

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

COMMUNICATION

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

SAFETY

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

OVERALL RATING

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

1. Enter Overall score from Question 7 2 X 0.25 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

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.

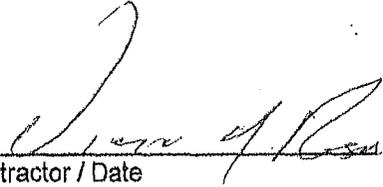
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

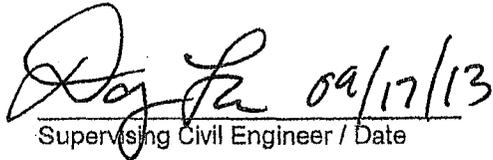
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 9-16-2013
Resident Engineer / Date

 09/17/13
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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



Public Works Agency
Project Delivery Division

REPORT OF COMPLETION AND ACCEPTANCE

NOTICE OF COMPLETION DATE: September 16, 2013

PROJECT NO. C317510

I hereby certify that Rosas Brothers Construction, Inc.

has completed On-Call Citywide Sidewalk Repair Project

Said work has been performed and materials furnished in accordance with the plans and specifications prepared by the Assistant Director of Public Works Agency and I recommend acceptance of this work on **September 16, 2013.**

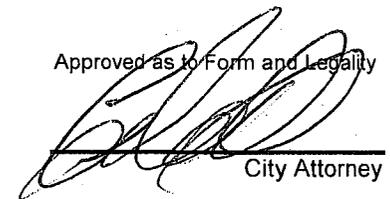
Recommended for Approval by: Cosmo A. Fortino 9-16-2013
Resident Engineer Date

Recommended for Approval by: [Signature] 9-16-13
Designer/Project Manager Date

[Signature] 9/16/13
APPROVED BY CONSTRUCTION ENGINEER Date

CC: Contract Compliance – Shelley Darensburg

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO SETON PACIFIC CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR (PROJECT NO. C428014) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX HUNDRED NINETY-SIX THOUSAND AND NINE HUNDRED FIFTY-FIVE DOLLARS (\$696,955.00)

WHEREAS, On September 10, 2015, the City Clerk received four bids for Citywide Curb Ramps and Sidewalk Repair (Project No. C428014); and

WHEREAS, Seton Pacific Construction, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, funding for this project will be available in the following project account as part of FY 2015-16 CIP budget: Fund 2211, Org. 92242, Account 57411, and Project C428014; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

WHEREAS, Seton Pacific Construction, complies with all LBE/SLBE and trucking requirements; and

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

RESOLVED: That the City Administrator is authorized to award a construction contract to Seton Pacific Construction, the lowest responsive and responsible bidder in accordance with project plans and specifications for the Citywide Curb Ramps and Sidewalk Repair (Project No. C428014) and with contractor's bid in the amount of six hundred ninety-six thousand and nine hundred fifty-five dollars (\$696,955.00) and in accordance with plans and specifications for the Project and contractor's bid dated September 10, 2015; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$696,955.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$696,955.00 with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Seton Pacific Construction on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Seton Pacific Construction fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; 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, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

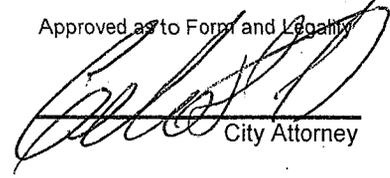
ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND CITY COUNCIL

2015 NOV 19 PM 12:38


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROSAS BROTHERS CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR CURB RAMPS ON INTERNATIONAL BOULEVARD ALONG BUS RAPID TRANSIT CORRIDOR (PROJECT NO. C428015) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX HUNDRED FIFTY-FIVE THOUSAND AND SIX-HUNDRED DOLLARS (\$655,600.00)

WHEREAS, On September 10, 2015, the City Clerk received three bids for Curb Ramps on International Boulevard along Bus Rapid Transit Corridor (Project No. C428015); and

WHEREAS, Rosas Brothers Construction, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, funding for this project will be available in the following project account as part of FY 2015-16 CIP budget: Fund 2211, Org. 92242, Account 57411, and Project C428015; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

WHEREAS, Rosas Brothers Construction, complies with all LBE/SLBE and trucking requirements; and

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

RESOLVED: That the City Administrator is authorized to award a construction contract to Rosas Brothers Construction, the lowest responsive and responsible bidder in accordance with project plans and specifications for Curb Ramps on International Boulevard along Bus Rapid Transit Corridor (Project No. C428015) and with contractor's bid in the amount of six hundred fifty-five thousand and six-hundred dollars (\$655,600.00) and in accordance with plans and specifications for the Project and contractor's bid dated September 10, 2015; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$655,600.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$655,600.00 with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Rosas Brothers Construction, on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Rosas Brothers Construction fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; 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, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, _____, 20_____

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