

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2017 NOV -2 AM 10:1 AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo, Director
OakDOT

SUBJECT: LAMMPS Streetscape
Construction Contract Award

DATE: September 25, 2017

City Administrator Approval

Date:

11/1/17

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Laurel Access To Mills, Maxwell Park & Seminary ("LAMMPS") Streetscape Project (Number 1000634) And With Contractor's Bid In The Amount Of Six Million Four Hundred Seventy-Six Thousand Nine Hundred Ninety-Five Dollars And Fifty Cents (\$6,476,995.50).

EXECUTIVE SUMMARY

The Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape Project improves access and safety for pedestrians and bicyclists by introducing a pedestrian and bicycle path along MacArthur Boulevard from High Street to Richards Road. The project will include new traffic signal work, pedestrian lighting, paving, and new traffic striping.

Approval of this resolution will authorize the City Administrator to execute a construction contract with Ray's Electric, in the amount of \$6,476,995.50 for the construction of the LAMMPS Streetscape Project. The work is in Council Districts 4 and 6 as shown in **Attachment A**.

BACKGROUND/LEGISLATIVE HISTORY

The LAMMPS Streetscape Project (Number 1000634) is the first phase (Phase I) of the LAMMPS Plan. LAMMPS Plan is a community-driven and community-based plan designed to improve access and safety for pedestrians and bicyclists along MacArthur Boulevard between High Street and Seminary Avenue. The Plan seeks to improve pedestrian and bike facilities, traffic flow, lighting, and landscaping along 1.5 miles of MacArthur Boulevard from High Street to Seminary Avenue, traveling under the I-580 freeway.

The LAMMPS Phase I Project will install various multi-purpose improvements from High Street to Richards Road along MacArthur Boulevard. It achieves the community vision by installing a 1,500-foot multi-use path, upgrading existing traffic signals, installing a new traffic signal at MacArthur Boulevard and Pierson Street, and installing new pedestrian-scale lighting and green infrastructure. The City received two grants for the construction of the Project.

Item: _____
Public Works Committee
November 14, 2017

A \$3,598,000.00 federal Active Transportation Program (ATP) grant was awarded to the City of Oakland, approved by City Council Resolution 85106 C.M.S. on July 15, 2014, for the LAMMPS Phase I Project with the City providing matching Measure B funds for the design phase. Most recently, the City was awarded \$2,500,000.00 from the Alameda County Transportation Commission (ACTC) Capital Improvements Program (CIP) to fund the LAMMPS Phase I Project; approved by City Council Resolution No. 86984 C.M.S. on September 19, 2017.

ANALYSIS AND POLICY ALTERNATIVES

The LAMMPS Streetscape Project (No. 1000634) was advertised for bid on July 14, 2017. On August 31, 2017, the City Clerk received three bids for this project as shown below:

LAMMPS Streetscape Project Bids Received

Company	Bid Amount
Engineer's Estimate	\$4,389,803.83
Ray's Electric	\$6,476,995.50
DeSilva Gates Construction	\$6,666,666.00
McGuire and Hester	\$7,798,831.50*

*McGuire and Hester's corrected bid amount is shown.

The City Administrator's Office, Contracts and Compliance Unit deemed three bidders as responsive as shown on **Attachment B: Compliance Analysis**, dated September 26, 2017. Ray's Electric was deemed the lowest responsive and responsible bidder and therefore is recommended for the award.

The proposed work, consists of construction of sidewalk, curb and gutter, Americans with Disabilities Act (ADA) compliant ramps, driveways, crosswalks, asphalt pavement, bike paths, and bio-retention structures; installation of drainage inlets, manholes and pipes, trash capture units, sewer manholes, pedestrian and street lights, traffic signals assemblies, video detection cameras, bike detection cameras, bike and pedestrian counter system, rectangular rapid flashing beacons, interconnect conduits, street and illuminated street name signs, project information signs, bus concrete pad, street furniture, decorative pavers, pavement slurry seal, chain link fence, and pavement striping and marking; planting trees a shrubs; adjust utility boxes; and, other ancillary work specifically shown in the project documents. The proposed work also includes Stormwater Pollution Prevention Plan (SWPPP) development.

The contract specifies \$2,533 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 260 working days. Construction work is anticipated to begin in January 2018 and should be completed by November 2018 contingent on weather conditions.

Under the proposed contract with Ray's Electric, the Disadvantaged Business Enterprise (DBE) program goal of 23.12% for this project is met and exceeded with the Compliance Analysis shown in **Attachment B** calculating a DBE total of 28.84%. Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 64.70%. The LBE/SLBE information has been verified by the Social Equity Division of the City Administrator's Office, Contracts and Compliance Division and is shown in **Attachment B**. Staff has reviewed the submitted bid for this work and has determined that the bid is consistent with the current bidding environment for contractors.

The bids exceeded the Engineer's Estimate, but staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction climate. The economy has improved dramatically, contractors are in short supply, and commodity prices have increased accordingly. Bid results for public projects have seen an increase in prices of about 25% to 30%. The resulting bids reflect the current conditions and consequently increased costs to the City.

To fully fund the construction contract, which exceeds both the Engineer's Estimate and the available grant funds, staff proposes dedication of funding from sources that are currently available and appropriate for this project. This includes an additional investment in Measure B grant matching funds, Measure BB Bicycle CIP funds, Measure BB Pedestrian CIP funds, and Roadway Maintenance and Rehabilitation Account funds, as detailed in the Fiscal Impact section of this report. Cumulatively, these additional funds total \$1,041,995.

FISCAL IMPACT

Approval of this resolution will allow the City Administrator to execute a construction contract with Ray's Electric in the amount of \$6,476,995.50.

1. *AMOUNT OF RECOMMENDATION/COST OF PROJECT:*

PROJECT	AMOUNT
LAMMPS Construction Contract (Bid Price)	\$6,476,995.50

2. *SOURCE OF FUNDING:*

FUNDING SOURCES	AMOUNT
Active Transportation Program (ATP) Grant (Fund 2116); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); LAMMPS Streetscape Project (No. 1000634); Award (23178)	\$3,598,000.00
Alameda County Transportation Commission (ACTC) Comprehensive Investment Program (CIP) Reimbursable Grant (Fund 2214); Engineering Design: Streets and Structures Organization (92242); Street Construction Account	\$1,837,000.00

(57411); LAMMPS Streetscape Project (No. 1000634); Award (23315)	
Measure B Grant Matching Funds (Fund 2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); LAMMPS Streetscape Project (No. 1000634); Award (23234)	\$141,995.50
Measure BB Bicycle CIP Funds (Fund 2216); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Bicycle Facility Design Implementation (No. 1001435); Award (20860)	\$250,000
Measure BB Pedestrian CIP Funds (Fund 2216); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Pedestrian Facility Design Implementation (No. 1000966); Award (21540)	\$500,000
Road Maintenance and Rehabilitation Account Funds (New RMRA fund); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); LAMMPS Streetscape Project (No. 1000634); Award (TBD)	\$150,000
TOTAL FUNDS	\$6,476,995.50

The ACTC CIP funds of \$1,837,000 were awarded by ACTC in April 2017 and Accepted by the City Council on September 19, 2017 in Reso. No. 86894 C.M.S. The funding is yet to be appropriated pending the fully executed grant funding agreement, which is finalized and circulating for signature. There are no foreseeable issues from the grantor or the city regarding the receipt of these funds. The Measure BB funds in projects 1001435 and 1000966 are pending the approval of the carryforward process.

3. *FISCAL IMPACT:*

Approval of the resolution will authorize the City Administrator to execute a construction contract in the amount of \$6,476,995.50

PUBLIC OUTREACH/INTEREST

A notification letter will be sent to residents prior to start of construction.

The development of the LAMMPS plan included community outreach and visioning sessions, traffic analysis, engineering studies/surveys, and landscaping studies, which culminated in a comprehensive plan for street improvements and bicycle/ pedestrian pathways along MacArthur Boulevard from High Street to Seminary Avenue.

The LAMMPS preferred concept plan was developed over the course of four widely-attended community outreach meetings where residents, employees, Mills College administrators and students, business owners, passers-by, and advocates were given the opportunity to voice their concerns and contribute to a vision of a better corridor with improved safety and access.

The project's concept was reviewed and endorsed by the City's Bicycle and Pedestrian Advisory Committee (BPAC) on May 15, 2014. Also, staff met with representatives from Maxwell Park Neighborhood Crime Prevention Council (MPNCPC) and Mills College.

Furthermore, during the engineering design phase, staff met with Mills College staff, the Maxwell Park Neighborhood Association, and the Laurel District Association to present the revised project design required to obtain Caltrans approval. Overall the new design was well received.

COORDINATION

The Office of the City Attorney and the Budget Bureau has reviewed this report and resolution.

The work to be done under these contracts was reviewed and coordinated with:

- The California Department of Transportation (Caltrans)
- Alameda/Contra Costa County Transit (AC Transit)
- Infrastructure Maintenance Division of the OPW
- Electrical Services Division of the DOT
- Bicyclist and Pedestrian Advisory Commission (BPAC)
- Maxwell Park Blight and Beautification Neighborhood Action Team (B&BNAT)
- Mills College
- Civicorps

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Ray's Electric from a previously completed project was satisfactory and is included as **Attachment C**.

SUSTAINABLE OPPORTUNITIES

Economic: This project will provide viable transportation alternatives and make the MacArthur corridor safer, easier to navigate, and more attractive. The project improvements will enhance the efficiency and affordability of transportation and increase the potential for economic and housing development in the neighborhood.

Environmental: The project will provide a safer route for pedestrians and bicyclists in the MacArthur corridor and therefore reduce the use of automotive mode of transport that causes air pollution. The project includes stormwater management features such as rain gardens and inlet trash screens that filter pollutants from runoff, improving water quality, and reducing the peak flow entering into the City's stormwater system and waterways. The project will implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

Social Equity: This project is intended to provide maximum mobility for those without access to vehicles by improving pedestrian safety, mass transit features, walkability of the corridor, ADA accessibility, and bicycle infrastructure.

For questions regarding this report, please contact Mohamed Alaoui, P.E., Supervising Civil at DOT, Great Streets Delivery at (510) 238-3469.

Respectfully submitted,



Ryan Russo, Director
Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Interim Assistant
Director, Department of Transportation

Reviewed by:
Ade Oluwasogo, P.E., T.E. Acting Great Streets
Manager, Department of Transportation

Reviewed by:
Mohamed Alaoui, P.E., T.E. Supervising Civil
Engineer, Great Streets Delivery, Department
of Transportation

Prepared by:
Nick Cartagena, P.E., T.E. Civil Engineer
Great Streets Delivery, Department of
Transportation

Attachments (3):

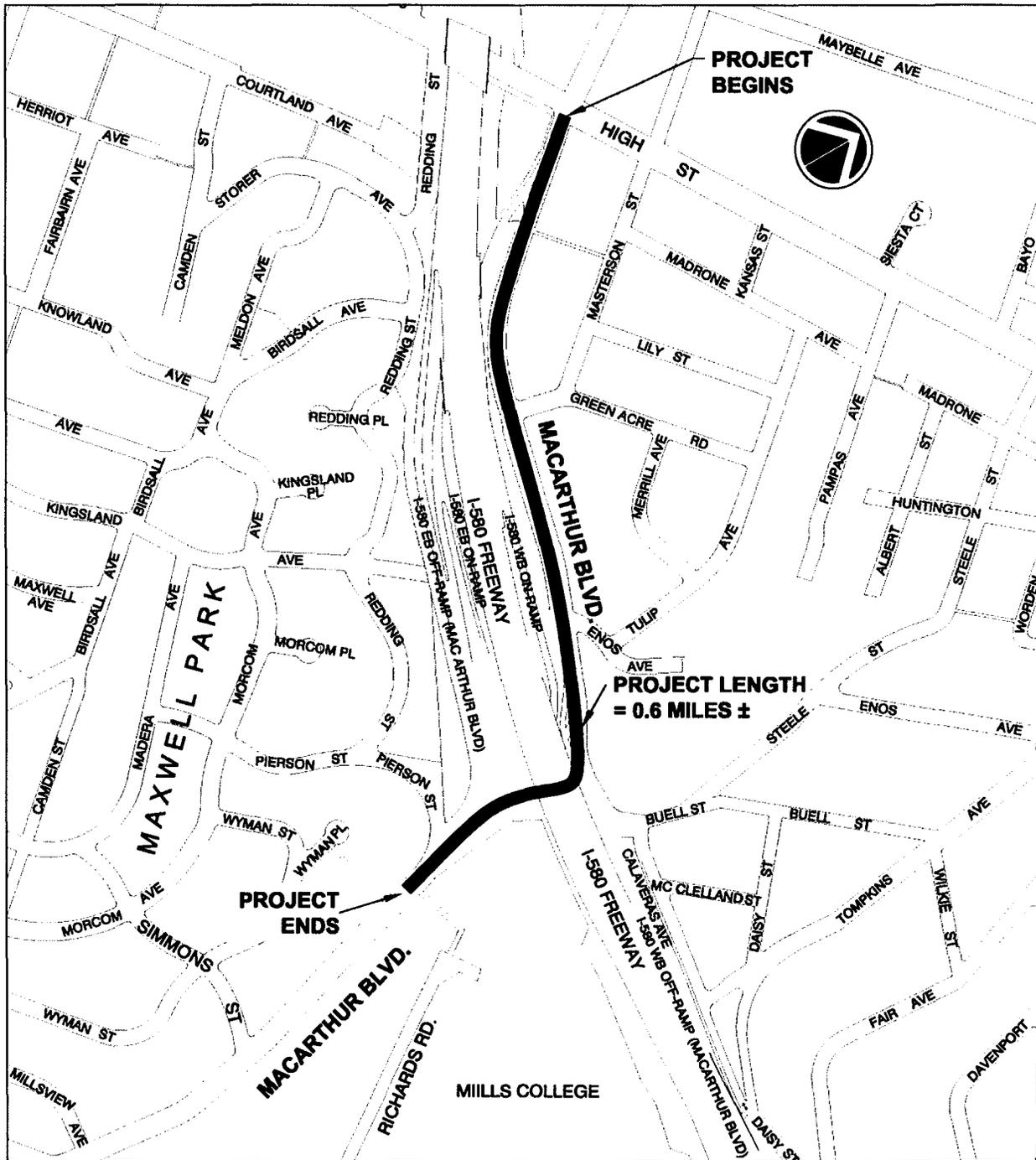
- A: Project Location Map*
- B: Contracts & Compliance Unit Compliance Analysis*
- C: Contractor Performance Evaluation*

Attachment A

Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape
(Project No. 1000634)

Location Map

Not to Scale



Attachment B

Contracts & Compliance Unit Compliance Analysis



INTER OFFICE MEMORANDUM

TO: Nick Cartagena

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

SUBJECT: Compliance Analysis
Federal Project No. Atpl-5012 (131) Laurel
Access to Mills, Maxwell Park and Seminary
(LAMMPS), Phase I
Project No. 1000634

DATE: September 26, 2017

The City Administrator's Office, Contracts & Compliance, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 23.12% for this project.

Below are the results of our findings:

Responsive with DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Ray's Electric	\$6,476,995.00	28.84%	0.00%	64.70 %	NA	NA	NA	NA	Y
Desilva Gates	\$6,666,666.00	30.29%	5.00%	2.48%	NA	NA	NA	NA	Y
McGuire & Hester	\$7,798,831.05	27.86%	69.30%	0.00%	NA	NA	NA	NA	Y

Comments: As noted above, Ray's Electric, Desilva Gates, and McGuire & Hester exceeded the minimum 23.12% DBE participation goal. All firms are 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: Ray's Electric
Project Name: Fruitvale Avenue controller Upgrade Modifications at Webster Street
Project No. C427920

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?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	Yes	If no, penalty amount	N/A

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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
3164	0	50%	1582	100%	1582	NA	0	100%	475	15%	475	0

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



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1000634

PROJECT NAME: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

CONTRACTOR: Ray's Electric

Engineer's Estimate:

\$4,389,804.00

Contractors' Bid Amount

\$6,476,995.00

Over/Under Engineer's Estimate

-\$2,087,191.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

1. Did the DBE Program apply?

YES

2. Did the contractor meet the DBE goal of 23.12%

YES

b) % of DBE participation

28.84%

c) % of LBE participation

0.00%

d) % of SLBE participation

64.70%

3. Was Good Faith Effort (GFE) Documentation submitted?

YES

4. Additional Comments.

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

9/26/2017

Reviewing Officer:

[Signature]

Date: 9/26/2017

Approved By: Shelley Darenburg

Date: 9/26/2017

DBE Participation Bidder 1

Project Name: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

Project No.: 100634		Engineer's Est. \$4,389,804.00				Over/Under Engineers Estimate -\$2,087,191.00					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/SLBE/ LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	DBE	WBE
PRIME	Ray's Electric	Oakland	UB		3,623,550.00	3,623,550.00		3,623,550.00	C		
Trucking & Disposal	All-City Trucking, Inc	Fremont	CB				291,000.00	291,000.00	AI	291,000.00	
Saw Cutting	Bay Line Cutting & Coring, Inc	San Francisco	CB				30,000.00	30,000.00	H	30,000.00	
Survey & Staying	Construction Survey, Inc	Berkeley	CB				28,800.00	28,800.00	C		28,800.00
Paving	Gallagher & Burk, Inc	Oakland	UB		559,000.00	559,000.00		559,000.00	C		
Landscaping	Lone Star Landscaping	San Martin	CB				201,000.00	201,000.00	H	201,000.00	
Tree Removal	De Kay Demolition	Oakland	UB		8,000.00	8,000.00		8,000.00	C		
Drainage/ Underground	TDW Construction, Inc	Livermore	CB				658,000.00	658,000.00	H	658,000.00	
Striping & Road Signs	Chrisp Company	Fremont	UB					136,000.00	C		
SWPPP	Tully Consulting	Dixon	CB				17,000.00	17,000.00	H		17,000.00
Traffic Control	CMC Construction	San Francisco	CB				365,625.00	365,625.00	C		365,625.00
Fencing	Golden Bay Fence & Iron Works	Stockton	CB				68,805.00	68,805.00	H	68,805.00	
Sturery	Bond Blacktop	Union City	UB					92,302.00	C		92,302.00
Concrete Supply	A-1 Ready Mix	Hayward	UB					68,000.00	C		
Electrical	Raper Electrical DBA Redco	Sanger	CB				182,947.80	304,913.00	C		
Trucking	Chavez Trucking	Dixon	CB				25,000.00	25,000.00	H	25,000.00	
Project Totals				\$0.00	\$4,190,550.00	\$4,190,550.00	\$1,868,177.80	\$6,476,995.00		\$1,273,805.00	\$503,727.00
				0.00%	64.70%	64.70%	28.84%	100.00%		19.67%	7.78%
Legend									DBE Ethnicity		
UB = Uncertified Business									AA=African American		
CB = Certified Business									AI=Asian Subcontinent		
DBE = Disadvantaged Business Enterprise									AP=Asian Pacific Islander;		
WBE = Women Business Enterprise									NA = Native American;		
									H=Hispanic/Latino;		
									W=Women		
									UDBE Ethnicity		
									AA=African American;		
									AP=Asian Pacific Islander;		
									NA=Native American;		
									W=Women		



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1000634

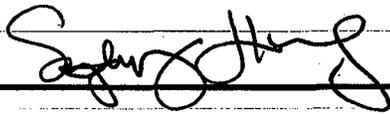
PROJECT NAME: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

CONTRACTOR: Desilva Gates Construction LLP

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,389,804.00	\$6,666,666.00	-\$2,276,862.00

<u>Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- | | |
|---|-------------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 23.12% | <u>YES</u> |
| b) % of DBE participation | <u>30.29%</u> |
| c) % of LBE participation | <u>5.00%</u> |
| d) % of SLBE participation | <u>2.48%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>YES</u> |
| 4. Additional Comments. | |
| 5. Date evaluation completed and returned to Contract Admin./Initiating Dept. | <u>9/26/2017</u> |

Reviewing Officer: 

Date: 9/26/2017

Approved By: Shelley Darenburg

Date: 9/26/2017

DBE Participation Bidder 2

Project Name: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

Project No.:		1000634		Engineer's Est.				\$4,389,804.00		Over/Under Engineers Estimate		-\$2,276,862.00	
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE				
									Ethn.	DBE	WBE		
PRIME	Desilva Gates Construction LLP	Dublin	UB					2,930,027.00	C				
Minor Concrete and Related	M.F. Maher, Inc	Vallejo	UB					424,460.00					
Minor Concrete Structures	TDW Construction, Inc	Livermore	CB					134,350.00	H	134,350.00			
Electrical and Related	Columbia Electric, Inc	San Leandro	CB				1,622,300.00	1,622,300.00	C		1,622,300.00		
Underground and Related	TDW Construction, Inc	Livermore	CB					561,689.00	H	561,689.00			
Trucking (Partial)	Double D. Transportation	Dublin	UB					200,000.00	NL				
Asphalt Concrete	Gallagher & Burk, Inc. Materials	Oakland	UB		165,000.00			165,000.00	C				
Landscaping and Irrigation	RMT Landscape Contractors, Inc. Golden Bay Fence Plus Iron Works, Inc.	Oakland	CB	333,471.00			333,471.00	333,471.00	H	333,471.00			
Fences		Stockton	CB				63,604.00	63,604.00	H				
Roadside Signs and	Chrisp Company	Fremont	UB					12,775.00	NL				
Barricades	V.S.S. International	W.Sacramento	UB					75,890.00	NL				
Slurry Seal													
Striping, Pavement Markers, Pavement Markings	Chrisp Company	Fremont	UB					143,100.00	NL				
Project Totals				\$333,471.00	\$165,000.00	\$0.00	\$2,019,375.00	\$6,666,666.00		\$1,029,510.00	\$1,622,300.00		
				5.00%	2.48%	0.00%	30.29%	100.00%		15.44%	24.33%		
Legend									DBE Ethnicity				
UB = Uncertified Business									AA=African American				
CB = Certified Business									AI=Asian Subcontinent				
DBE = Disadvantaged Business Enterprise									AP=Asian Pacific Islander;				
WBE = Women Business Enterprise									NA = Native American;				
									H=Hispanic/Latino;				
									W=Women				
									UDBE Ethnicity				
									AA=African American;				
									AP=Asian Pacific Islander;				
									NA=Native American;				
									W=Women				



Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1000634

PROJECT NAME: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

CONTRACTOR: McGuire and Hester

Engineer's Estimate:

\$4,389,804.00

Contractors' Bid Amount

\$6,666,666.00

Over/Under Engineer's

Estimate

-\$2,276,862.00

ed Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

1. Did the DBE Program apply?

YES

2. Did the contractor meet the DBE goal of 23.12%

YES

b) % of DBE participation

27.86%

c) % of LBE participation

69.30%

d) % of SLBE participation

2.48%

3. Was Good Faith Effort (GFE) Documentation submitted?

YES

4. Additional Comments.

5. Date evaluation completed and returned to Contract

Admin./Initiating Dept.

9/26/2017

**Reviewing
Officer:**

Date:

9/26/2017

Approved By:

Date:

9/26/2017

DBE Participation Bidder 3

Project Name: Federal Project No. ATPL-5012 (131) Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS), Phase I

Project No.: 1000634		Engineer's Est. \$4,389,804.00				Over/Under Engineers Estimate -\$3,409,027.05					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	DBE	WBE
PRIME	McGuire and Hester	Oakland	UB	5,404,581.05		5,404,581.05		5,404,581.05	C		
Electrical	Columbia Electric, Inc	San Leandro	CB				1,407,670.00	1,407,670.00	C		1,407,670.00
Sign and Strip	Chrisp Company	Fremont	UB					145,855.00	C		145,855.00
Traffic Control (Partial)	CMC Traffic Control Specialists	San Francisco	CB				365,625.00	365,625.00	C		365,625.00
Fence	Golden Bay Fence	Stockton	CB				68,805.00	68,805.00	H	68,805.00	
Swppp Plan	Tully Consulting Group	Dixon	CB				2,775.00	2,775.00	C		2,775.00
Trucking (Partial)	Eighteen (18) Trucking	San Francisco	CB				327,624.00	327,624.00	H		327,624.00
Slurry Seal	VFF International	Sacramento	UB					75,896.00	C		
Project Totals				\$5,404,581.05	\$0.00	\$5,404,581.05	\$2,172,499.00	\$7,798,831.05		\$68,805.00	\$2,249,549.00
				69.30%	0.00%	69.30%	27.86%	100.00%		0.88%	28.84%
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise									DBE Ethnicity AA=African American AI=Asian Subcontinent AP=Asian Pacific Islander; NA = Native American; H=Hispanic/Latino; W=Women		
									UDBE Ethnicity AA=African American; AP=Asian Pacific Islander; NA=Native American; W=Women		

Attachment C

Contractor Performance Evaluation

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

Project Number/Title: C452410

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: 12/7/2015

Date of Notice of Completion: 8/1/2016

Date of Notice of Final Completion: 10/20/2016

Contract Amount: \$472,147.50

Evaluator Name and Title: Alan Chan, 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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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	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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				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	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

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

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

PROCEDURE:

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

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

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

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

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

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

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



Contractor / Date 11/28/16



Resident Engineer / Date 10/20/16



Supervising Civil Engineer / Date 10/20/16

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

DRAFT
City Attorney

2017 NOV -2 AM **RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY ("LAMMPS") STREETScape PROJECT (PROJECT NUMBER 1000634) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX MILLION FOUR HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND FIFTY CENTS (\$6,476,995.50).

WHEREAS, the City of Oakland applied for and received an Active Transportation Program (ATP) grant in the amount of \$3,598,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

WHEREAS, the City of Oakland applied for and was recommended for award of an Alameda County Transportation Commission (ACTC) Comprehensive Investment Program (CIP) grant in the amount of \$2,500,000.00 for the LAMMPS Streetscape Project; and

WHEREAS, the LAMMPS Streetscape Project has completed engineering design, has bid documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

WHEREAS, this project was advertised on July 14, 2017 and three bids were received by the Office of the City Clerk of the City of Oakland on August 31, 2017 for the LAMMPS Streetscape Project; and

WHEREAS, Ray's Electric, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$6,476,995.50; and

WHEREAS, funds totaling \$5,435,000 for the work are available in the following funding sources:

- Active Transportation Program (ATP) Grant: and
- Alameda County Transportation Commission (ACT) Comprehensive Investment Program (CIP) Grant

WHEREAS, funds totaling \$1,014,996 are available in other project accounts to be designated for the purpose of completing this project; 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, Ray's Electric complies with all LBE/SLBE 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 funds shall be transferred from the following accounts to Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000634 to complete the funding required for this project:

- Fund 2216 Pedestrian CIP funds - \$500,000
- Fund 2216 Bicycle CIP funds - \$250,000
- Fund 2211 Grant Matching funds - \$141,996
- Fund TBD RMRA Funds - \$150,000

RESOLVED: That the City Administrator or designee is authorized to execute a construction contract, contingent upon the availability of funding, for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634) with Ray's Electric, the lowest responsive and responsible bidder, in an amount of Six Million Four Hundred Seventy-six Thousand Nine Hundred Ninety-Five Dollars and Fifty Cents (\$6,476,995.50) in accord with plans and specifications for the project and contractor's bid dated August 17, 2017; and be it

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; 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 Ray's Electric fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her 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, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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