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OAKLAND

CITY OF OAKLAND APR 12 PM 3:44

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, OakDOT

SUBJECT: Construction of Citywide Preventative
Maintenance Resurfacing Project

DATE: April 2, 2018

City Administrator Approval

Date:

4/12/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, Inc., The Lowest Responsive And Responsible Bidder, For The Construction of Citywide Preventative Maintenance Resurfacing Project (Project No. 1004034), In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Two Million Nine Hundred Twenty-Three Thousand Eighty Dollars (\$2,923,080.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator, or designee, to execute a construction contract with Ray's Electric, Inc., in the amount of \$2,923,080.00 for the construction of Citywide Preventative Maintenance Resurfacing Project (Project No. 1004034). The project is to slurry seal streets which are part of the citywide pavement rehabilitation program to improve pavement conditions. These streets are located throughout the City as shown in **Attachment A**.

BACKGROUND/LEGISLATIVE HISTORY

On October 21, 2014, City Council adopted Resolution No. 85227 C.M.S establishing a five-year paving plan for the pavement rehabilitation program.

On June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$10,000,000.00 for Fiscal Year 2017-2018 and \$15,000,000.00 for FY 2018-2019 of proceeds from the City of Oakland General Obligation Bonds, Measure KK, for City's pavement rehabilitation program.

ANALYSIS/POLICY ALTERNATIVES

The Citywide Preventative Maintenance Resurfacing Project (Project No. 1004034) consists of 10.1 centerline miles of streets which are part of the five-year paving plan. Streets were

Item: _____
Public Works Committee
April 24, 2018

selected because they are suitable for slurry seal preventative treatment. Slurry seal is used to preserve and prevent streets from further deterioration which would then require more costly treatments. Selecting streets with the same treatment for the same construction contract is the most cost effective way to deliver paving project.

Streets in this paving project are listed in Table 1 below, and they are in all seven Council Districts as shown in **Attachment A**.

Table 1: Project Locations

| Street Location | From | To |
|---------------------|------------------|---|
| 2nd St. | Brush St. | Jefferson St. |
| 3rd St. | Chester St. | Mandela Pkwy |
| 35th Ave. | San Leandro St. | International Blvd |
| 4th St. | Oak St. | Webster St. |
| 46th Ave. | East 12th St. | International Blvd |
| 73rd Ave. | San Leandro St. | West End |
| 8th Ave | East 8th St. | International Blvd (E 12 th St.) |
| Caloden St. | Golf Links Rd | Malcolm Ave |
| Chabot Rd | College Ave | Claremont Ave |
| Clay St | Water St | 4th St |
| Golf Links Rd | Fontaine St | Encina Way (98th) |
| Grass Valley Rd | Skyline Blvd | Golf Links Rd |
| Harbord Dr. | Moraga Ave | Wood Dr |
| Leimert Pl | Clemens Rd | Oakmore Rd |
| Malcolm Ave | Sheldon St | Caloden St |
| Mandana Blvd | Lakeshore Ave | Ashmount Ave |
| Market St | 18th St | West Grand Ave |
| Monte Vista Ave | Piedmont Ave | Oakland Ave |
| Oakport Ave | Freeway Entrance | High St |
| Shepherd Canyon Rd | Aitken Dr | Skyline Blvd |
| Skyline Blvd | Parkridge Dr. | Keller Ave |
| West MacArthur Blvd | Manila Ave | Martin Luther King Jr Way |

Oakland has 829.9 miles of streets, of these, 473 miles (57%) are in Metropolitan Transportation Commission (MTC) defined Communities of Concern (COC's). Table 2 shows

the number of miles of streets in the 5-year paving plan that have been paved (including streets to be resurfaced this spring in an approved construction contract), number of miles of streets in this paving project, and the remaining miles left on the 5-year paving plan. Information on COC's for each of these categories are provided in the same table. **Attachment B** shows recent and planned paving streets and the COC areas in Oakland.

Table 2: 5-Year Paving Plan and Equity Information

| | Miles | Miles in COC's | % in COC's |
|--|--------------|----------------|------------|
| All Streets in Oakland | 829.9 | 473.0 | 57% |
| All Streets in 5-Year Paving Plan | 84.9 | 55.5 | 65% |
| Streets Completed | 20.2 | 12.2 | 60% |
| This Paving Project | 10.1 | 2.8 | 28% |
| Streets Remaining | 54.6 | 40.5 | 74% |

MTC defines COC's as census tracts with concentrations of non-white (MTC uses the term "minority") and low-income households. A census tract is also a community of concern if they have a concentration of 3 or more of factors #3 to #8 below but only if they also have a concentration of low-income households. In parentheses is the overall percent of regional population and the percent threshold of the tract considered a concentration.

| Factors | Category | Overall Percent of Regional Population | Percent Threshold Tract considered a Concentration |
|---------|---|--|--|
| 1 | Low-Income Residents (less than 200 percent of Federal Poverty Level) | 25 | 30 |
| 2 | Non-White | 58 | 70 |
| 3 | Limited of English Proficiency | 9 | 20 |
| 4 | Zero Vehicle Households | 10 | 10 |
| 5 | Seniors Age 75+ | 6 | 10 |
| 6 | Persons with a Disability | 9 | 25 |
| 7 | Single-Parent Family | 14 | 20 |
| 8 | Severely Rent-Burdened Households | 11 | 15 |

Twenty-eight percent of the streets in this project are in COC areas which is below the fifty-seven percent of all streets in Oakland. However, seventy-four percent of streets remaining on the 5-year paving plan are in COC areas. These remaining streets will need rehabilitation treatments that are more extensive and will be grouped together in future paving projects.

On February 22, 2018, the City received four bids from Ray's Electric Inc., Sierra Nevada Inc., Telfer Pavement Technologies, LLC. and Intermountain Slurry Seal, Inc. The Contract and Compliance Division of the City's Administrator's Office reviewed the bids and deemed Ray's Electric, Inc. as the lowest responsive and responsible bidder. Ray's Electric, Inc. is the only bidder to meet the City's LBE/SLBE requirement and therefore is recommended for the award. See **Table 3** below for the results of the bids.

Table 3: Bids

| BIDDERS | AMOUNT | Equal Benefits Ordinance Compliant |
|------------------------------------|----------------|---|
| Ray's Electric Inc. | \$2,923,080.00 | Y |
| Sierra Nevada Inc. | \$2,192,007.00 | N |
| Telfer Pavement Technologies, LLC. | \$2,868,885.25 | N |
| Intermountain Slurry Seal, Inc. | \$2,876,543.21 | N |

Under the proposed contract with Ray's Electric, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 73.65%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the City's 50% requirement. The LBE/SLBE information has been verified by the Contracts and Compliance Division and is shown in **Attachment C**.

The construction schedule is to begin spring 2018 and should be completed by fall 2018. The contract specifies liquidated damages of \$1000 per calendar day if the contractor exceeds the contract completion time of 30 working days.

FISCAL IMPACT

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

The Engineer's estimate for this project is \$2,606,491.56

2. SOURCE OF FUNDING:

| FUNDING SOURCE | AMOUNT |
|--|-----------------------|
| Measure KK Fund (5330); Engineer Design Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Preventative Maintenance Resurfacing (Project No. 1004034); Award (23248) | \$2,923,080.00 |
| TOTAL FUNDS | \$2,923,080.00 |

3. FISCAL IMPACT:

This project is part of the citywide pavement rehabilitation program. Funding for the contract is available in the FY 2018-19 adopted budget. Although the contract will be executed in FY 2017-18 and the work will begin in spring of FY 2017-18, the first payment will be made on or after July 1, 2018 at the beginning of the new fiscal year. Approval of the resolution will authorize the City Administrator to execute the construction contract in the amount of \$2,923,080.00.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Ray's Electric, Inc. from a previously completed project in 2015 was satisfactory and is included as ***Attachment D***.

PUBLIC OUTREACH/INTEREST

Prior to starting construction, residents and businesses affected by the work will be notified through door hangers on the construction schedule, planned activities and project contact information. Information on the construction project will be also made available via Twitter account @OakDOT and at www.nixle.com.

COORDINATION

The work to be done under this contract was coordinated with Oakland Public Works (OPW) Bureau of infrastructure and Operation, Contracts and Compliance Division, and Bureau of Facilities and Environment. In addition, the Office of City Attorney and Budget Bureau has reviewed this report and resolution.

The contractor shall be required to provide door hangers to adjacent property owners and construction information signs to inform the public of construction activities. Door hangers and construction information sign shall be placed as described in the special provisions and as directed by the engineer.

SUSTAINABLE OPPORTUNITIES

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

Environmental: 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 citywide pavement rehabilitation program to preserve City's infrastructure, enhance public access and protect the public from hazardous conditions. The pavement rehabilitation program ensures that the pavement rehabilitation funds are spent in a manner that is cost effective throughout the City. Although this project, as a result of treatment method, employed a low percent of COC's, 65% of streets in 5-year paving plan is in COC areas. This is higher than the overall percent of streets in the COC areas citywide (57%).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution awarding a construction contract to Ray's Electric, Inc., the lowest responsive and responsible bidder, for the construction of Citywide Preventative Maintenance Resurfacing Project (Project No. 1004034), in accordance with plans and specifications and with contractor's bid in the amount of two million nine hundred twenty-three thousand eighty dollars (\$2,923,080.00).

For questions regarding this report, please contact Mohamed Alaoui, PE, Division Manager, Great Streets at (510) 238-3469.

Respectfully submitted,



Ryan Russo, Director
Department of Transportation (OakDOT)

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

Reviewed by:
Mohamed Alaoui, P.E., Division Manager
Department of Transportation (OakDOT)

Reviewed by:
Si Lau, P.E., Supervising Civil Engineer
Department of Transportation (OakDOT)

Prepared by:
Chris Diano P.E., Civil Engineer
Department of Transportation (OakDOT)

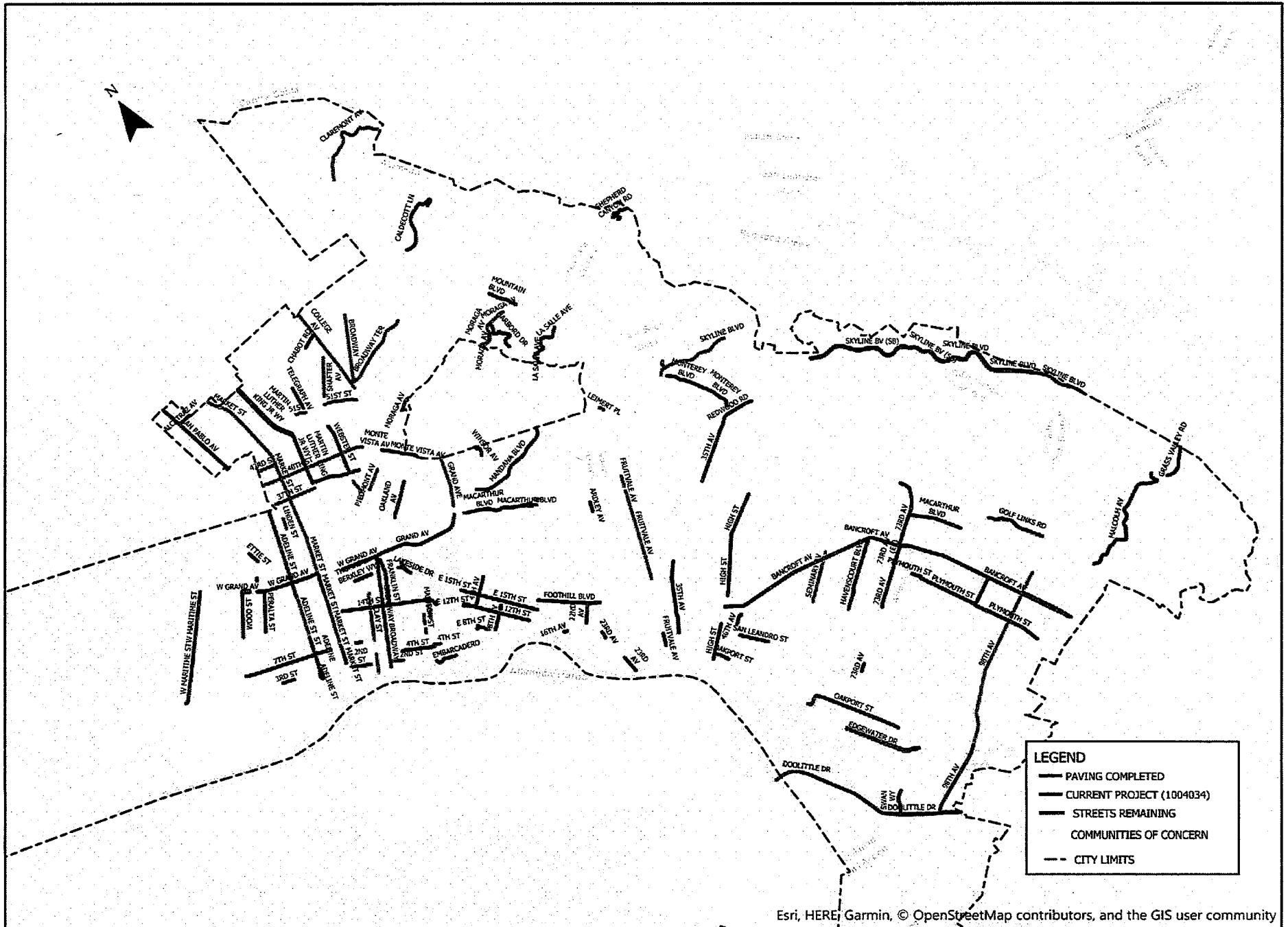
Attachments (4):

- A: Project Location Map*
- B: Recent and Planned Paving in Communities of Concern*
- C: Contracts & Compliance Unit Compliance Evaluation*
- D: Contractor Performance Evaluation*

CITYWIDE PREVENTATIVE MAINTENANCE RESURFACING PROJECT (1004034)
ATTACHMENT A



ATTACHMENT B: RECENT AND PLANNED PAVING IN COMMUNITIES OF CONCERN





INTER OFFICE MEMORANDUM

TO: Christopher Diano

FROM: Deborah Barnes, Director,
Contracts & Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Citywide Preventive Maintenance Resurfacing
Project No. 1004034

DATE: March 1, 2018

The City Administrator's Office, Contracts and Compliance Unit, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains Striping specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the Striping specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 50% L/SLBE requirement.

The Compliance spreadsheet is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).

| Compliant | | | | Proposed Participation | | | | | Earned Credits and Discounts | | | EBO Compliant? Y/N |
|-----------------|---------------------|-------------------------|-----------------------------|---------------------------|-----|--------|------------|-----------------|------------------------------|----------------------|---------------------|--------------------|
| Company Name | Original Bid Amount | Specialty Dollar Amount | Non-Specialty Dollar Amount | Total LBE/SLBE/VSL BE/LPG | LBE | SLBE | VSLBE/LPG* | L/SLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | |
| | <i>A</i> | <i>B</i> | <i>C</i> | | | | | | <i>D</i> | <i>E</i> | <i>F</i> | |
| Ray's Electric. | \$2,923,080 | \$431,935 | \$2,491,155 | 74.78% | 0% | 73.65% | 1.12% | 100% | 75.90% | 3% | \$2,848,345.35 | Y |

Comments: As noted above, Ray's Electric exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. The firm is EBO compliant. (*Ray's Electric's proposed VSLBE/LPG participation value was 1.12%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value was 2.24%.)

| Non - Compliant | | | | Proposed Participation | | | | | Earned Credits and Discounts | | | EBO Compliant? Y/N |
|-----------------------------------|---------------------|-------------------------|-----------------------------|---------------------------|-------|-------|-----------|-----------------|------------------------------|----------------------|---------------------|--------------------|
| Company Name | Original Bid Amount | Specialty Dollar Amount | Non Specialty Dollar Amount | Total LBE/SLBE/VSL BE/LPG | LBE | SLBE | VSLBE/LPG | L/SLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | |
| | <i>A</i> | <i>B</i> | <i>C</i> | | | | | | <i>D</i> | <i>E</i> | <i>F</i> | |
| Sierra Nevada Construction, Inc. | \$2,192,007 | \$376,935 | \$1,815,072 | 0% | 0% | 0% | 0% | 0% | 0% | 0% | NA | N |
| Telfer Pavement Technologies, LLC | \$2,868,885.25 | \$286,985 | \$2,581,900.25 | 14.07% | 0% | 7.26% | 6.81% | 0% | 0% | 0% | NA | N |
| Intermountain Slurry Seal, Inc. | \$2,876,543.21 | \$321,965 | \$2,554,578.25 | 2.27% | 2.27% | 0% | 0% | 0% | 0% | 0% | NA | N |

Comments: The three (3) firms noted above failed to meet the minimum 50% Local/Small Local Business Enterprise participation requirement and the 50% L/SLBE trucking requirement. None of the firms are EBO compliant.

For Informational Purposes

Listed below is the lowest 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: Sierra Nevada Construction, Inc.

Project Name:

Project No:

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

| | 50% Local Employment Program (LEP) | | | | | | | 15% Apprenticeship Program | | | | | |
|---------------------|------------------------------------|--|-------|--|-------|----------------------|-----------------|----------------------------|---|-------------------------------|-------|----------------------------|--|
| Total Project Hours | 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 | |
| A | B | C | | D | | E | F | G | H | I | | J | |
| | | Goal | Hours | Goal | Hours | | | | | Goal | Hours | | |
| NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | |

Comments: There is no LEP or 15% Apprenticeship information for Sierra Nevada Construction, Inc.. The firm has not had a previous contract with the City of Oakland.

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

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: 1004034

PROJECT NAME: Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Ray's Electric, Inc.

| <u>Engineer's Estimate:</u> | <u>Contractors' Original Bid Amount</u> | <u>Specialty Dollar Amount</u> | <u>Over/Under Engineer's Estimate</u> |
|-----------------------------|---|--------------------------------|---------------------------------------|
| \$2,608,491.56 | \$2,923,080.00 | \$431,935.00 | -\$316,588.44 |

| <u>Discounted Bid Amount:</u> | <u>Amount of Bid Discount</u> | <u>Non-Specialty Bid Amt.</u> | <u>Discount Points:</u> |
|-------------------------------|-------------------------------|-------------------------------|-------------------------|
| \$2,848,345.55 | \$74,734.65 | \$2,491,155.00 | 3% |

1. Did the 50% requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **NO**
- | | | |
|---------------------------------|---------------|----------------|
| b) % of LBE participation | 0.00% | |
| c) % of SLBE participation | 73.65% | Double Counted |
| d) % of VSLBE/LPG Participation | 1.12% | Value is 2.24% |
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
- | | |
|--|-------------|
| a) Total L/SLBE trucking participation | 100% |
|--|-------------|
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0%**
5. Additional Comments.

Bid Items #8 and 9 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Proposed VSLBE/LPG participation is valued at .112%; however per the L/SLBE Program a VSLBE/LPG participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG is valued 2.24%.

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

3/1/2018

Date

**Reviewing
Officer:**

Date:

3/1/2018

Approved By:

Date:

3/1/2018

LBE/SLBE PARTICIPATION

BIDDER 4

Project Name: Citywide Preventive Maintenance Resurfacing

| 1004034 | | Engineers Est: \$2,606,491.56 | | | | | Under/Over Engineers Estimate: -\$316,588.44 | | | | | | | | |
|--|---------------------------|-------------------------------|--------|--|-----------|-------------|--|--------------------------|-----------------------|---------------------------|-----------------------------------|-------------------|--|----------|-----|
| Discipline | Prime & Subs | Location | Cert. | LBE | SLBE | **VSLBE/LPG | Total | L/SLBE | Total | *Non-Specialty Bid Amount | TOTAL Original Bid Amount Dollars | For Tracking Only | | | |
| | | | Status | | | | | | | | | | Ethn. | MBE | WBE |
| PRIME | Ray's Electric, Inc. | Oakland | CB | | 1,819,816 | | 1,819,816 | | | 1,819,816 | 1,809,206 | C | | | |
| Trucking | ALL City Trucking | Oakland | CB | | 15,000 | | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | AI | 15,000 | | |
| Asphalt Mat. | Gallagher & Burk | Oakland | CB | | | 28,000 | 28,000 | | | 28,000 | 28,000 | C | | | |
| Striping | Chrisp Company | Fremont | UB | | | | | | | | 442,535 | C | | | |
| Slurry | Pavement Coating Co. | Woodland Garden Grove | UB | | | | | | | 569,339 | 569,339 | C | | | |
| Crack Seal | Global Road Sealing, Inc. | Grove | UB | | | | | | | 59,000 | 59,000 | C | | | |
| Project Totals | | | | | \$0 | \$1,834,816 | \$28,000 | \$1,862,816 | \$15,000 | \$15,000 | \$2,491,155 | \$2,923,080 | | \$15,000 | \$0 |
| | | | | | 0.00% | 73.65% | 1.12% | 74.78% | 100% | 100% | 100% | 100% | | 0.60% | 0% |
| Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement. | | | | | LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE/VSLBE/LPG | 50% LBE/SLBE/Trucking | | | | Ethnic AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = very Small 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 | | | | | | | | | | | |

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

**Proposed VSLBE/LPG participation is valued at 1.12%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentages are reflected on the evaluation form and cover memo.

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: 1004034

PROJECT NAME: Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Sierra Nevada Construction, Inc.

| <u>Engineer's Estimate:</u> | <u>Contractors' Original Bid</u> <u>Amount</u> | <u>Specialty Dollar Amount</u> | <u>Over/Under Engineer's</u> <u>Estimate</u> |
|-----------------------------|---|--------------------------------|---|
| \$2,606,491.56 | \$2,192,007.00 | \$376,935.00 | \$414,484.56 |

| <u>Discounted Bid Amount:</u> | <u>Amount of Bid Discount</u> | <u>Non-Specialty Bid</u> <u>Amount</u> | <u>Discount Points:</u> |
|-------------------------------|-------------------------------|---|-------------------------|
| \$0.00 | \$0.00 | \$1,815,072.00 | 0% |

1. Did the 50% requirements apply? YES
2. Did the contractor meet the 50% requirement? NO
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%
 - d) % of VSLBE/LPG participation 0.00%
3. Did the contractor meet the L/SLBE Trucking requirement? NO
 - a) Total L/SLBE trucking participation 0%
4. Did the contractor receive bid discounts? NO

(If yes, list the percentage received) 0.00%

5. Additional Comments.

Bid Items #8 and 9 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed noncompliant.

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

Reviewing
Officer:

Vivian Jume

Date:

3/1/2018

Date

3/1/2018

Approved By:

Shelley Dorenborg

Date:

3/1/2018

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Citywide Preventive Maintenance Resurfacing

| 1004034 | | Engineers Est: | | | \$2,606,491.56 | | | Under/Over Engineers Estimate: | | | \$414,484.56 | | For Tracking Only | | | |
|--|----------------------------------|----------------|--------|--|----------------|----------------------|----------|--------------------------------|----------|---------------------------|-----------------------------------|-------------|-------------------|--|-----|--|
| Discipline | Prime & Subs | Location | Cert. | LBE | SLBE | **VSLBE/LPG | Total | L/SLBE | Total | *Non-Specialty Bid Amount | TOTAL Original Bid Amount Dollars | Ethn. | MBE | WBE | | |
| | | | Status | | | double counted value | LBE/SLBE | Trucking | Trucking | | | | | | | |
| PRIME | Sierra Nevada Construction, Inc. | Sparks, NV | UB | | | | | | | 1,081,097 | 1,015,497 | NL | | | | |
| HMA Base Repair | MCK Services, Inc. | Concord | UB | | | | | | | 477,925 | 477,925 | NL | | | | |
| Crack Seal | Global Road Sealing, Inc. | Garden Grove | UB | | | | | | | 59,000 | 59,000 | NL | | | | |
| Install Remove Striping | Chrisp Company | Fremont | UB | | | | | | | | 442,535 | NL | | | | |
| Slurry Agg | West Cost Sand & Gravel | Brea Park | UB | | | | | | 50,050 | 50,050 | 50,050 | NL | | | | |
| Slurry Emulsion Supply | Telfer Pavement | McClellan | UB | | | | | | | 115,000 | 115,000 | NL | | | | |
| Slurry Agg Supply | George Reed, Inc. | Jamestown | UB | | | | | | | 32,000 | 32,000 | NL | | | | |
| Project Totals | | | | | \$0 | \$0 | \$0 | \$0 | \$0 | \$50,050 | \$1,815,072 | \$2,192,007 | | \$0 | \$0 | |
| | | | | | 0.00% | 0.00% | 0.00% | 0.00% | 0% | 100% | 100% | 100% | | 0.00% | 0% | |
| Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement. | | | | | | | | | | | | | | Ethnic AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = very Small 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 | | | | | | | | | | | | |

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO: 1004034

PROJECT NAME: Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Telfer Pavement Technologies, LLC

| <u>Engineer's Estimate:</u> | <u>Contractors' Original Bid Amount</u> | <u>Specialty Dollar Amount</u> | <u>Over/Under Engineer's Estimate</u> |
|-----------------------------|---|--------------------------------|---------------------------------------|
| \$2,606,491.56 | \$2,868,885.25 | \$286,985.00 | -\$262,393.69 |

| <u>Discounted Bid Amount:</u> | <u>Amount of Bid Discount</u> | <u>Non-Specialty Bid Amt.</u> | <u>Discount Points:</u> |
|-------------------------------|-------------------------------|-------------------------------|-------------------------|
| \$0.00 | \$0.00 | \$2,581,900.25 | 0% |

1. Did the 50% requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **NO**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **7.26%**
 - d) % of VSLBE/LPG Participation **6.81%**
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **100%**
4. Did the contractor receive bid discounts? **NO**

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

5. Additional Comments.

Bid items #8 and 9 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed noncompliant.

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

Reviewing Officer:

Mia [Signature] **Date:**

3/1/2018
Date

3/1/2018

Approved By: Shelley [Signature] **Date:**

3/1/2018

BIDDER 2

Project Name: Citywide Preventive Maintenance Resurfacing

| 1004034 | | Engineers Est: \$2,606,491.56 | | | | | Under/Over Engineers Estimate: -\$262,393.69 | | | | | | | |
|---|-----------------------------------|-------------------------------|--------|---|------------|------------------------------------|--|-----------------------|------------|---------------------------|-----------------------------------|---|-----------|-------|
| Discipline | Prime & Subs | Location | Cert. | LBE | SLBE | **VSLBE/LPG | Total | L/SLBE | Total | *Non-Specialty Bid Amount | TOTAL Original Bid Amount Dollars | For Tracking Only | | |
| | | | Status | | | double counted value | | LBE/SLBE | | | | Trucking | Trucking | Ethn. |
| PRIME Striping Trucking Asphalt | Telfer Pavement Technologies, LLC | McClellan | UB | | | | | | | 2,218,645.25 | 2,076,045.25 | C | | |
| | Chrisp Company | Fremont | UB | | | | | | | | 429,585.00 | NL | | |
| | All City Trucking | Oakland | CB | | 187,440.00 | | 187,440.00 | 187,440.00 | 187,440.00 | 187,440.00 | 187,440.00 | AI | 187,440 | |
| | Gallagher & Burk | Oakland | CB | | | 175,815.00 | 175,815.00 | | | 175,815.00 | 175,815.00 | C | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Project Totals | | | | \$0 | 187,440.00 | 175,815.00 | 363,255.00 | 187,440.00 | 187,440.00 | 2,581,900.25 | 2,868,885.25 | | \$187,440 | \$0 |
| | | | | 0.00% | 7.26% | 6.81% | 14.07% | 100% | 100% | 100% | 100% | | 7.26% | 0.00% |
| Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the | | | | LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE VSLBE/LPG | 50% LBE/SLBE TRUCKING | | | | Ethnic: AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| 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 | | | | | | | | | | |

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: 1004034

PROJECT NAME: Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Intermountain Slurry Seal, Inc.

Engineer's Estimate:

\$2,606,491.56

**Contractors' Original Bid
Amount**

\$2,876,543.21

**Specialty Dollar
Amount**

\$321,966.00

**Over/Under Engineer's
Estimate**

-\$270,051.65

Discounted Bid Amount:

\$0.00

Amount of Bid Discount

\$0.00

Non-Specialty Bid Amt.

\$2,554,578.25

Discount Points:

0%

1. Did the 50% requirements apply?

YES

2. Did the contractor meet the 50% requirement?

NO

b) % of LBE participation

0.00%

c) % of SLBE participation

2.27%

d) % of VSLBE/LPG Participation

0.00%

3. Did the contractor meet the L/SLBE Trucking requirement?

YES

a) Total L/SLBE trucking participation

100%

4. Did the contractor receive bid discounts?

NO

(If yes, list the percentage received)

0.00%

5. Additional Comments.

Bid Items #8 and 9 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed noncompliant.

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

**Reviewing
Officer:**

[Signature]

Date:

3/1/2018
Date

3/1/2018

Approved By:

[Signature]

Date:

3/1/2018

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: Citywide Preventive Maintenance Resurfacing

| Project No.: 1004304 | | Engineers Est: \$2,606,491.56 | | | | | Under/Over Engineers Estimate: -\$270,051.65 | | | | | | | |
|--|---------------------------------|-------------------------------|--------|--|-----------|----------------------|--|-----------------------|------------|---------------------------|---------------------------|---|-----------|--------|
| Discipline | Prime & Subs | Location | Cert. | LBE | SLBE | **VSLBE/LPG | Total | L/SLBE | Total | *Non-Specialty Bid Amount | TOTAL Original Bid Amount | For Tracking Only | | |
| | | | Status | | | double counted value | LBE/SLBE | Trucking | Trucking | | | | Ethn. | MBE |
| PRIME Striping | Intermountain Slurry Seal, Inc. | Reno | UB | | | | | | | 1,963,084.00 | 1,807,123.96 | C | | |
| | Chrisp Company | Fremont | UB | | | | | | | 429,585.00 | 429,585.00 | NL | | |
| HMA | MCK Services, Inc. | Concord | UB | | | | | | | | 477,925.00 | NL | | |
| Hauling | All City Trucking, Inc. | Oakland | CB | | 57,909.25 | | 57,909.25 | 57,909.25 | 57,909.25 | 57,909.25 | 57,909.25 | AP | 57,909.25 | |
| Crack Sealing | Global Road Sealing, Inc. | Garden Grove | UB | | | | | | | 59,000.00 | 59,000.00 | NL | | |
| Trucking | Mercado Trucking | Hercules | UB | | | | | | 45,000.00 | 45,000.00 | 45,000.00 | H | 45,000 | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Project Totals | | | | \$0 | 57,909.25 | 0.00 | 57,909.25 | 57,909.25 | 102,909.25 | 2,554,578.25 | 2,876,543.21 | | \$102,909 | \$0.00 |
| | | | | 0.00% | 2.27% | 0.00% | 2.27% | 56% | 100% | 100% | 100% | | 3.58% | 0.00% |
| Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement. | | | | LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE VSLBE/LPG | 50% LBE/SLBE/Trucking | | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| 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 | | | | | | | | | | |

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

**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. |

| | | Unsatisfactory | Marginal | Satisfactory | Outstanding | Not Applicable |
|-------------------------|---|-------------------------------|-------------------------------|--|---------------------------------|--|
| WORK PERFORMANCE | | | | | | |
| 1 | Did the Contractor perform all of the work with acceptable Quality and Workmanship? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1a | If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 | Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2a | Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation. | | | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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> | | | | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <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. | | | | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <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> | <p>0</p> <input type="checkbox"/> | <p>1</p> <input type="checkbox"/> | <p>2</p> <input checked="" type="checkbox"/> | <p>3</p> <input type="checkbox"/> | |

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

| | | | | | | |
|-----|---|-------------------------------|-------------------------------|--|---------------------------------|---|
| 19 | Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 | Did the Contractor communicate with City staff clearly and in a timely manner regarding: | | | | | |
| 20a | Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20b | Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20c | Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20d | Were there any billing disputes? If "Yes", explain on the attachment. | | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 21 | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation. | | | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 22 | 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.*

 11/28/16
Contractor / Date

 10/20/16
Resident Engineer / Date

 10/20/16
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 APR 12 PM 3:44

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality

City Attorney

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, INC. THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF CITYWIDE PREVENTATIVE MAINTENANCE RESURFACING PROJECT (PROJECT NO. 1004034) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED TWENTY-THREE THOUSAND EIGHTY DOLLARS (\$2,923,080.00)

WHEREAS, on February 22, 2018, four (4) bids were received by the Office of the City Clerk of the City of Oakland for the construction of Citywide Preventative Maintenance Resurfacing Project (Project No.1004034); and

WHEREAS, Ray's Electric, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, Ray's Electric, Inc., complies with all LBE/SBLE and trucking requirements; and

WHEREAS, the pavement rehabilitation program works to preserve the City's infrastructure; and

WHEREAS, the City Council finds and determines base on the representation 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, 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, or designee, is authorized to award a construction contract to Ray's Electric, Inc., Inc. the lowest responsive and responsible bidder for Citywide Preventative Maintenance Resurfacing Project (Project No.1004034) and with contractor's bid in the amount of Two Million Nine Hundred Twenty-Three Thousand Eighty dollars (\$2,923,080.00) and in accordance with plans and specifications for the project and contractor's bid dated February 22, 2018; and be it

FURTHER RESOLVED, although the contract will be executed in FY 2017-2018 and the work will begin in spring of FY 2017-2018, the first contract payment will be made on or after July 1st, in FY2018-19; and

FURTHER RESOLVED, funding for this construction contract is available in the FY 2018-2019 adopted budget in Measure KK Fund (5330), Engineer Design Streets and Structures Organization (92242), Street Construction Account (57411), Citywide Preventative Maintenance Resurfacing (Project No. 1001293), and Award (23248); and

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: The City Administrator, or designee, is hereby authorized to enter into a contract with Ray's Electric, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitation of the project specification; 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 Inc 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, _____

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