



INTER OFFICE MEMORANDUM

Department of Workforce & Employment Standards (DWES)

TO: Mastewal Cherinet,
Civil Engineer

FROM: Mary Mayberry, Interim Director,
DWES *MM*

PREPARED BY: Vivian Inman, *Vivian Inman*
Sr. Contract Compliance Officer

DATE: January 28, 2022

SUBJECT: Compliance Analysis Revised
Citywide Pavement Rehabilitation 2021
Project No. 1006105

The City of Oakland received four (4) bids in response to the solicitation of bids for Project No. 1006105. DWES initially reviewed the three bids in November 2021 and completed its initial evaluation of compliance of those bids in November 2021. It was later observed that there were inconsistencies between the initial compliance analysis and the legally binding solicitation documents. Upon this discovery, DWES, per request of the initiating agency, revised its compliance analysis to address those inconsistencies in this memorandum.

Below are the results of the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement based on bids received and the Bid Schedule from the legally binding solicitation documents and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). This project is subject to the most recent amended L/SLBE Program.

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

The spreadsheet below 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 non-specialty work (column C) and then subtracting that difference from the original bid amount (column A).

Responsive				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	LBE/LPG	SLBE	*VSLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
Gallagher & Burk	\$5,234,525	\$1,431,000*	\$3,803,525*	79.41%*	51.51%*	27.90%*	0%	89%	74.41%	4%	\$3,651,384	Y

*Specialty amounts recalculated to match legally binding solicitation documents

Comments:

The company listed above exceeded the minimum 50% L/SLBE participation requirement. The firm is EBO compliant.

Non-Responsive				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	LBE/LPG	SLBE	VSLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
McGuire & Hester**	\$5,269,205	\$1,843,200*	\$3,426,005*	68.09%*	48.78%*	19.32%*	0%**	53%**	0%	0%	NA	Y
Teichert Construction**	\$5,303,700	\$1,534,125*	\$3,769,575*	2.49%*	0%	2.49%*	0%**	100%**	0%	0%	NA	N
OC Jones**	\$5,695,775	\$1,534,125*	\$3,769,525*	62.15%*	47.22%*	14.92%*	0%**	100%**	0%	0%	NA	N

*Specialty amounts recalculated to match legally binding solicitation documents

**The above firms listed A1 Trucking for the required 50% Trucking participation and received credit towards the trucking requirement. However, per the most recent L/SLBE Program, dated May 4, 2021, it is required that the firm have a valid certification in place 12 months prior to the closing date of a competitive process. A1 Trucking was certified on August 21, 2021, and therefore did not meet the 12-month requirement. The firm received no double counted value as a VSLBE trucking firm.

Comments: As noted, the three companies listed above failed to meet the minimum 50% Local/Small Local Business Enterprise requirement. Therefore, those companies are deemed non-responsive.

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