



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 JUN 10 PM 4:12  
**AGENDA REPORT**

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

**FROM:** Brooke A. Levin

**SUBJECT:** Rehab of Sanitary Sewers

**DATE:** May 1, 2015

City Administrator  
Approval

Date:

6/8/15

**COUNCIL DISTRICT: 2**

**RECOMMENDATION**

Staff recommends that the City Council adopt:

A Resolution Awarding A Construction Contract To J. Howard Engineering, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Rehabilitation Of Sanitary Sewers In The Area Bounded By 17th Street, 21st Street, 27th Street, Inyo Avenue, And 25th Street (Project No. C329145) And With Contractor's Bid In The Amount Of Two Million Nine Hundred Forty-Nine Thousand Three Hundred Thirty-Eight Dollars (\$2,949,338.00).

**OUTCOME**

Approval of this resolution will authorize the City Administrator to execute a construction contract with J. Howard Engineering, Inc. in the amount of \$2,949,338.00. The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program and is required under the 2014 sewer Consent Decree. The work is located in Council District 2 as shown in *Attachment A*.

**BACKGROUND/LEGISLATIVE HISTORY**

On March 19, 2015, the City Clerk received three bids for this project in the amount of \$2,949,338.00, \$3,217,000.00, and \$3,853,052.00. J. Howard Engineering, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$2,998,640.00. The proposed work consists, in general, of rehabilitating approximately 12,057 linear feet of existing 6" diameter sewer pipes, approximately 2,145 linear feet of existing 8" diameter sewer pipes, and approximately 3,491 linear feet of existing 12" to 24" diameter sanitary sewer pipes, by pipe-expanding or open trench method;

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Public Works Committee  
June 23, 2015

rehabilitating sewer structures; reconnecting house connection sewers; rehabilitating house connections sewers, and other related work as indicated on the plans and specifications. This project is part of the City's annual Sanitary Sewer Rehabilitation program intended to improve the sanitary system conditions throughout Oakland, and is required under the 2014 sewer Consent Decree. Staff has reviewed the submitted bid by J. Howard Engineering, Inc., for the work and has determined that it reflects the current construction market conditions.

### **ANALYSIS**

Adoption of this resolution will allow the City Administrator or designee to execute a construction contract with J. Howard Engineering, Inc., for The Rehabilitation of Sanitary Sewers in The Area Bounded By 17<sup>th</sup> Street, 21<sup>st</sup> Street, 27<sup>th</sup> Street, Inyo Avenue, and 25<sup>th</sup> Street (Project No. C329145). Under the proposed contract with J. Howard Engineering, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 90.64%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the 50% requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office, and is shown in *Attachment C*.

Construction is scheduled to begin in September 2015 and should be completed by January 2016. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 90 working days. The project schedule is shown in *Attachment B*.

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer flows during storm events. This project is part of the City-wide program to improve pipe conditions and reduce wet weather peak flows in sanitary sewer system.

### **PUBLIC OUTREACH/INTEREST**

The Homeowner Associations and Merchants Associations in the area have been notified in writing about this project. Prior to starting construction, residents who are affected with work in the easement will be notified individually of the construction schedule, planned activities, and contact information.

### **COORDINATION**

The work to be done under this contract was coordinated with OPW Bureau of Infrastructure and Operations and Contracts and Compliance Division. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

FUNDING SOURCE	AMOUNT
The Rehabilitation of Sanitary Sewers in the Area Bounded By 17 <sup>th</sup> Street, 21 <sup>st</sup> Street, 27 <sup>th</sup> Street, Inyo Avenue, and 25 <sup>th</sup> Street (Project No. C329145)	\$2,949,338.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$2,949,338.00

3. SOURCE OF FUNDING:

FUNDING SOURCES (Funds will be available in July 2015 as part of the FY 2015-16 CIP budget)	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C329145	\$2,949,338.00

4. FISCAL IMPACT:

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract in the amount of \$2,949,338.00. Funding for this project is included in the Fiscal Year 2015-16 Capital Improvement Project budget and will be available in July 2015.

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

The Contractor Performance Evaluation for J. Howard Engineering, Inc. from a previously completed project is satisfactory and is included as *Attachment D*.

**SUSTAINABLE OPPORTUNITIES**

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

**Environmental:** Replacing sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and

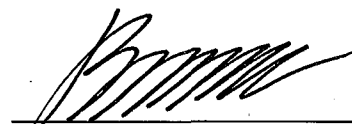
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asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

**Social Equity:** This project is part of the citywide program to eliminate wastewater overflows, thereby benefiting all Oakland residents.

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

Respectfully submitted,



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Brooke A. Levin  
Director, Oakland Public Works

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

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

Prepared by:  
Jimmy Mach, P.E., Supervising Civil Engineer  
Engineering Design and R.O.W. Management Division

Attachments (4)

Attachment A: Project Location Map

Attachment B: Project Construction Schedule

Attachment C: Contracts & Compliance Unit Compliance Evaluation

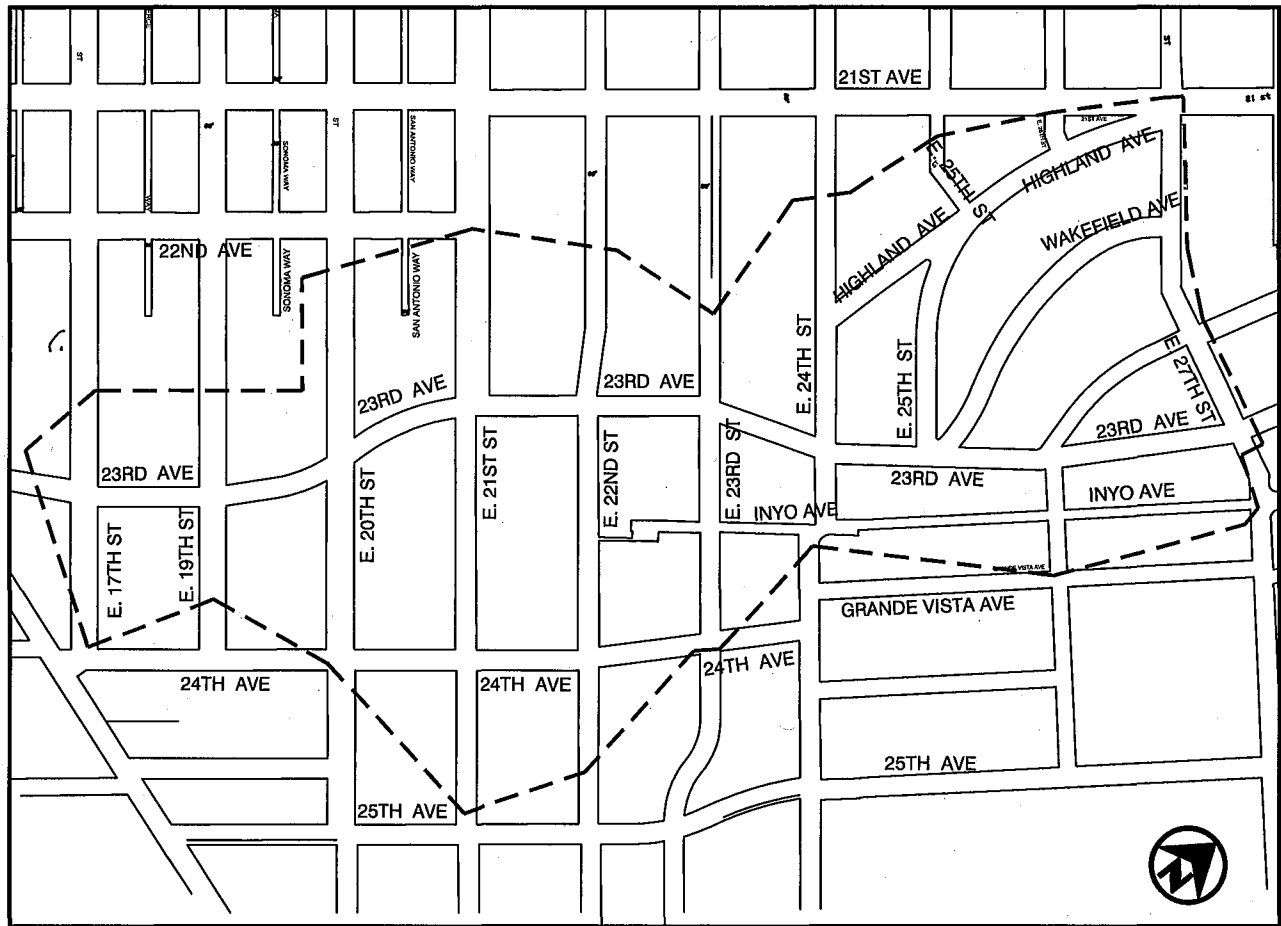
Attachment D: Contractor Performance Evaluation

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*Attachment A*

# PLANS FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY 17TH ST, 21ST ST, 27TH ST, INYO AVE, AND 25TH AVE (SUB-BASIN 60-06)

CITY PROJECT NO. C329145



## LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 



***Attachment C***





# INTER OFFICE MEMORANDUM

**TO:** David Ng,  
Civil Engineer

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

**SUBJECT:** Compliance Analysis

**DATE:** April 1, 2015

Rehabilitation of Sanitary Sewers in the area bounded  
by 17<sup>th</sup> St., 21<sup>st</sup> St., 27<sup>th</sup> St., Inyo Ave, And 25<sup>th</sup> Ave (Sub-Basin 60-06)  
Project No. C329145

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
J. Howard Engineering, Inc.	\$2,949,338.00	90.64%	0.27%	90.03%	0.34%	100.00%	90.64%	5%	\$2,801,871.10	Y
Andes Construction, Inc.	\$3,217,000.00	90.43%	0.00%	89.18%	1.24%	100.00%	90.43%	5%	\$3,056,150.00	Y
Pacific Trenchless, Inc.	\$3,853,052.00	91.31%	0.00%	91.31%	0.00%	100.00%	91.31%	5%	\$3,660,399.40	Y

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

\*J. Howard Engineering and Andes Construction, Inc.'s proposed VSLBE/LPG participation value were 0.34% and 1.24%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for J. Howard Engineering Inc. and Andes Construction, Inc. are 0.68% and 2.48%.



**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:** J. Howard  
**Project Name:** Rehab of Sanitary Sewers and Storm Drain in the Easement between York Street and Eric... Wellington and Brighton Ave  
**Project No.** C329131  
**Date:** 12/11/2014

**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 Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
2128	0	50%	1064	50%	1064	0	0	100%	319	15%	319	0

**Comments:** J. Howard exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and did not met the 15% Oakland Apprenticeship Program .

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



## Contracts and Compliance Project Evaluation Report

Project No: C329145

Project Name: The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

Contractor: J. Howard Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$2,998,640.00	\$2,949,338.00	\$49,302.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$2,801,871.10	\$147,466.90	5.00%

1. Did the 50% Local/Small Local requirement apply? Yes

2. Did the contractor meet the 50% requirement? Yes

a) % of LBE participation 0.27%

b) % of SLBE participation 90.03%

c) % of VSLBE/LPG participation 0.34% 0.68% (double counted value)

3. Did the contractor meet the Trucking requirement? Yes

a) % of SLBE/LBE trucking participation 100.00%

b) % of VSLBE trucking participation

4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 5.00%

5. Additional Comments J. Howard Engineering's proposed VSLBE/LPG participation value was 0.34%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for J. Howard Engineering is 0.68%.

6. Date evaluation completed and returned to initiating department. 4/1/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 4/1/2015

Approved By: Shelley Aarenstrup

Approved By Date: 4/1/15

# LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 1**

**Project Name:** The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

**Project No:** C329145

**Engineers Estimate:** \$2,998,640.00

**Under/Over Engineers Estimate:** \$49,302.00

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only			
												Eth	MBE	WBE	
1	Prime	J. Howard Engineering, Inc.	Oakland			2,640,338.00							C		
2	Trucking	CJC Trucking	Oakland	CB		15,000.00							AA	15,000.00	
3	Saw Cutting	Bay Line Cutting	Berkeley	UB							5,000.00		H	5,000.00	
4	HDPE Pipe	P & F Distributors	Brisbane	UB							250,000.00		C		
5	Precast MH	Old Castle Precast	Pleasanton	UB							4,000.00		C		
6	AC Paving	Gallagher & Burk, Inc.	Oakland	CB			10,000.00						C		
7	AB Drain	Argent Materials	Oakland	UB							7,000.00		C		
8	Pipe,	Pace Supply	Oakland	CB	8,000.00								C		
9	MH Rehab	Con-Tech of California	Stockton	UB							10,000.00		C		
<b>Project Totals:</b>					8,000.00	2,655,338.00	10,000.00				276,000.00			20,000.00	
					0.27%	90.03%	0.34%				#Num!	9.36%		0.68%	

**REQUIREMENTS:** The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirements.

LBE = Local Business Enterprise  
 SLBE = Small Local Business Enterprise  
 VSLBE = Very Small Local Business Enterprise  
 LPG = Locally Produced Goods  
 NPSLBE = NonProfit Small Local Business Enterprise  
 NPLBE = NonProfit Local Business Enterprise

UB = Uncertified Business  
 CB = Certified Business  
 MBE = Minority Business Enterprise  
 WBE = Women Business Enterprise

Total LBE\SLBE Dollars and Percents: **\$2,663,338.00**    **90.30%**  
 Total VSLBE\LPG Dollars and Percents: **\$10,000.00**    **0.34%**  
 Total SLBE\LBE Trucking Dollars and Percents: **#Num!**  
 Total VSLBE Trucking Dollars and Percents: **#Num!**

**Total Bid Amount: \$2,949,338.00**

**Total Participation of VSLBE / SLBE / LBE / LPG: 90.64%**

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



**Contracts and Compliance Project Evaluation Report**

**Project No:** C329145

**Project Name:** The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

**Contractor:** Andes Construction, Inc.

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractor's Bid Amount:</u></b>	<b><u>Under/Over Engineer's Estimate:</u></b>
\$2,998,640.00	\$3,217,000.00	(\$218,360.00)
<b><u>Discounted Bid Amount:</u></b>	<b><u>Amount of Bid Discount:</u></b>	<b><u>Discount Points:</u></b>
\$3,056,150.00	\$160,850.00	5.00%

1. **Did the 50% Local/Small Local requirement apply?** Yes
  
2. **Did the contractor meet the 50% requirement?** Yes
  - a) % of LBE participation 0.00%
  - b) % of SLBE participation 89.18%
  - c) % of VSLBE/LPG participation 1.24% 2.48% (double counted value)
  
3. **Did the contractor meet the Trucking requirement?** Yes
  - a) % of SLBE/LBE trucking participation
  - b) % of VSLBE trucking participation 100.00%
  
4. **Did the Contractor receive any bid discount?** Yes  
 (if yes, list the percentage received) 5.00%
  
5. **Additional Comments** Andes Construction's proposed VSLBE/LPG participation value was 1.24%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Andes Construction 2.48%.
  
6. **Date evaluation completed and returned to initiating department.** 4/1/2015

**Reviewing Officer:** Sophany Hang **Reviewing Officer Date:** 4/1/2015

**Approved By:** Shelley Darsenberg **Approved By Date:** 4/1/15

## LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 2**

**Project Name:** The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

**Project No:** C329145

**Engineers Estimate:** \$2,998,640.00

**Under/Over Engineers Estimate:** (\$218,360.00)

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only				
												Eth	MBE	WBE		
1	Prime	Andes Construction, Inc.	Oakland	CB		2,869,000.00						H	2,869,000.00			
2	Saw Cutting	Bay Line	Berkeley	UB							8,000.00	H	8,000.00			
3	Trucking	Foston Trucking	Oakland	CB				20,000.00				AA	20,000.00			
4	MH Precast	Old Castle	Pleasanton	UB							30,000.00	C				
5	MH Rehab	Con-Tech of California	Stockton	UB							20,000.00	C				
6	AC	Gallagher & Burk, Inc.	Oakland	CB			40,000.00					C				
7	AB	Inner City	Oakland	UB							50,000.00	C				
8	Rock	Dutra Materials	San Rafael	UB							30,000.00	C				
9	Pip & Fittings	P & F Distributors	Brisbane	UB							150,000.00	C				
<b>Project Totals:</b>						2,869,000.00	40,000.00	20,000.00			288,000.00		2,897,000.00			
						89.18%	1.24%	100.00%			0.00%		8.95%		90.05%	

**REQUIREMENTS:** The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirements.

**Total LBE\SLBE Dollars and Percents:** \$2,869,000.00 **89.18%**  
**Total VSLBE\LPG Dollars and Percents:** \$40,000.00 **1.24%**  
**Total SLBE\LBE Trucking Dollars and Percents:** 0.00% **0.00%**  
**Total VSLBE Trucking Dollars and Percents:** \$20,000.00 **100.00%**

**Total Bid Amount:** \$3,217,000.00

**Total Participation of VSLBE / SLBE / LBE / LPG:** 9 0 . 4 3 %

LBE = Local Business Enterprise  
 SLBE = Small Local Business Enterprise  
 VSLBE = Very Small Local Business Enterprise  
 LPG = Locally Produced Goods  
 NPSLBE = NonProfit Small Local Business Enterprise  
 NPLBE = NonProfit Local Business Enterprise

UB = Uncertified Business  
 CB = Certified Business  
 MBE = Minority Business Enterprise  
 WBE = Women Business Enterprise

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



## Contracts and Compliance Project Evaluation Report

Project No: C329145

Project Name: The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

Contractor: Pacific Trenchless, Inc.

<u>Engineer's Estimate:</u>	<u>Contractor's Bid Amount:</u>	<u>Under/Over Engineer's Estimate:</u>
\$2,998,640.00	\$3,853,052.00	(\$854,412.00)
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount:</u>	<u>Discount Points:</u>
\$3,660,399.40	\$192,652.60	5.00%

1. Did the 50% Local/Small Local requirement apply? Yes
2. Did the contractor meet the 50% requirement? Yes
  - a) % of LBE participation 0.00%
  - b) % of SLBE participation 91.31%
  - c) % of VSLBE/LPG participation 0.00% 0.00% (double counted value)
3. Did the contractor meet the Trucking requirement? Yes
  - a) % of SLBE/LBE trucking participation 100.00%
  - b) % of VSLBE trucking participation
4. Did the Contractor receive any bid discount? Yes

(if yes, list the percentage received) 5.00%
5. Additional Comments
6. Date evaluation completed and returned to initiating department. 4/1/2015

Reviewing Officer: Sophany Hang

Reviewing Officer Date: 4/1/2015

Approved By: Shelley Darenburg

Approved By Date: 4/1/15

# LBE/SLBE/VSLBE/LPG PARTICIPATION

**Bidder 3**

**Project Name:** The Rehabilitation of Sanitary Sewers in the area bounded by 17th St, 21st St, 27th St, Inyo Ave, and 25th Ave (Sub-Basin 60-06)

**Project No:** C329145

**Engineers Estimate:** \$2,998,640.00

**Under/Over Engineers Estimate:** (\$854,412.00)

No.	Discipline	Contractor	Location	Cert. Status	LBE	SLBE	VSLBE/LPG	VSLBE Trucking	L/SLBE Trucking	UB Trucking	UB Dollars	For Tracking Only		
												Eth	MBE	WBE
1	Prime	Pacific Trenchless, Inc.	Oakland	CB		3,518,052.00						C		
2	Trucking	All City Trucking	Oakland	CB					35,000.00			AI	35,000.00	
3	Manhole	Con-Tech of California	Stockton	UB							22,000.00	C		
4	HDPE Pipe	P & F Distributors	Brisbane	UB							250,000.00	C		
5	Manhole	Old Castle Precast	Pleasanton	UB							11,000.00	C		
6	Pipe	Mission Clay Products	Oakland	UB							17,000.00	C		
<b>Project Totals:</b>						3,518,052.00			35,000.00		300,000.00		35,000.00	
						91.31%			100.00%	0.00%	7.79%		0.91%	

**REQUIREMENTS:** The 50% Requirements, is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirements.

LBE = Local Business Enterprise  
 SLBE = Small Local Business Enterprise  
 VSLBE = Very Small Local Business Enterprise  
 LPG = Locally Produced Goods  
 NPSLBE = NonProfit Small Local Business Enterprise  
 NPLBE = NonProfit Local Business Enterprise

UB = Uncertified Business  
 CB = Certified Business  
 MBE = Minority Business Enterprise  
 WBE = Women Business Enterprise

Total LBE\SLBE Dollars and Percents:	<b><u>\$3,518,052.00</u></b>	<b><u>91.31%</u></b>	Total Bid Amount: <b><u>\$3,853,052.00</u></b>
Total VSLBE\LPG Dollars and Percents:		<b><u>0.00%</u></b>	Total Participation of
Total SLBE\LBE Trucking Dollars and Percents:	<b><u>\$35,000.00</u></b>	<b><u>100.00%</u></b>	VSLBE / SLBE / LBE / LPG: <b>9 1 . 3 1 %</b>
Total VSLBE Trucking Dollars and Percents:		<b><u>0.00%</u></b>	

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



***Attachment D***

Attachment D

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

Project Number/Title: C329131

Work Order Number (if applicable): \_\_\_\_\_

Contractor: J. Howard Engineering

Date of Notice to Proceed: 11/04/2013

Date of Notice of Completion: 05/13/2014

Date of Notice of Final Completion: 05/13/2014

Contract Amount: \$317,355.00

Evaluator Name and Title: Wai Wong, Resident Engineer

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**FINANCIAL**

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

**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	<b>Overall, how did the Contractor rate on communication issues?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

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

## 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        3    X 0.25 =    0.75
2. Enter Overall score from Question 13      2    X 0.25 =    0.5
3. Enter Overall score from Question 18      2    X 0.20 =    0.4
4. Enter Overall score from Question 22      2    X 0.15 =    0.3
5. Enter Overall score from Question 28      2    X 0.15 =    0.3

TOTAL SCORE (Sum of 1 through 5):        2.25   

OVERALL RATING:        Satisfactory   

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-

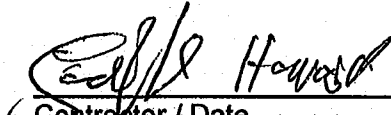


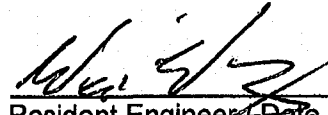
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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.*

 10-17-14  
Contractor / Date

 10/17/14  
Resident Engineer / Date

 10/17/14  
Supervising Civil Engineer / Date

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

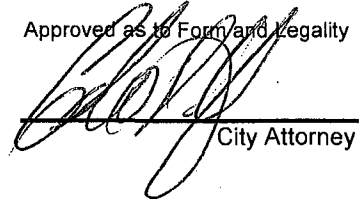
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 JUN 10 PM 4:02

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

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

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

**RESOLUTION AWARDED A CONSTRUCTION CONTRACT TO J. HOWARD ENGINEERING, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY 17<sup>TH</sup> STREET, 21<sup>ST</sup> STREET, 27<sup>TH</sup> STREET, INYO AVENUE, AND 25<sup>TH</sup> STREET (PROJECT NO. C329145) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED FORTY-NINE THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS (\$2,949,338.00)**

**WHEREAS**, on March 19, 2015, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the area bounded by 17<sup>th</sup> Street, 21<sup>st</sup> Street, 27<sup>th</sup> Street, Inyo Avenue, and 25<sup>th</sup> Street (Project No. C329145); and

**WHEREAS**, J. Howard Engineering, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, funding for this project will be available in the following project account as part of FY 2015-16 CIP budget:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329145; \$2,949,338.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; 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**, J. Howard Engineering, Inc. complies with all LBE/SLBE and trucking requirements; and

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

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the Rehabilitation of Sanitary Sewers in the area bounded by 17<sup>th</sup> Street, 21<sup>st</sup> Street, 27<sup>th</sup> Street, Inyo Avenue, and 25<sup>th</sup> Street (Project No. C329145) to J. Howard Engineering, Inc., the lowest responsive and responsible bidder, in an amount of Two Million Nine Hundred Forty-Nine Thousand Three Hundred Thirty-Eight Dollars (\$2,949,338.00) pending the adoption of the FY15-17 Capital Improvement budget for project C329145 and in accordance with plans and specifications for the Project and contractor's bid dated March 19, 2015; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$2,949,338.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,949,338.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with J. Howard Engineering, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if J. Howard Engineering, 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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