

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2011 MAY 11 AM 10:15

TO: Office of the City Administrator  
ATTN: P. Lamont Ewell  
FROM: Public Works Agency  
DATE: May 24, 2011

RE: Resolution Awarding A Construction Contract To Pacific Trenchless, Inc. For The Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104 - Project No. C312210), In The Amount Of Three Million Sixty-Four Thousand Eight Hundred Fifty-Four Dollars (\$3,064,854.00)

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### SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$3,064,854.00 to Pacific Trenchless, Inc. For The Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104 - Project No. C312210). While Pacific Trenchless was not the lowest submitted bid, the bid is within the Engineer's estimate. The lowest bid was \$2,624,832.00 but did not meet the City's LBE/SLBE program. The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 6 as shown in *Attachment A*.

### FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Pacific Trenchless, Inc. in the amount of \$3,064,854.00. Funding for this project is available in:

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C312210; \$3,064,854.00

This project will rehabilitate existing sewer pipes, reducing rain-related sewer overflows and minimizing the demand for sanitary sewer maintenance.

### BACKGROUND

On March 17, 2011, the City Clerk received three bids for this project in the amounts of \$3,064,854.00, \$3,352,750.00, and \$2,624,832.00. A summary is shown in *Attachment B*. The apparent low bidder failed to meet the minimum 20% L/SLBE participation requirements. Pacific Trenchless, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$3,457,805.00.

Item: \_\_\_\_\_  
Public Works Committee  
May 24, 2011

Under the proposed contract with Pacific Trenchless, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 90.59%, which exceeds the City's 20% LBE/SLBE requirement. The contractor also shows a participation of 100% for trucking, which exceeds the 20% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

## KEY ISSUES AND IMPACTS

The Environmental Protection Agency (EPA) mandates the reduction of peak flows during rain events. This project is part of the Citywide program to improve conditions and eliminate Inflow/Infiltration. Construction is scheduled to begin in July, 2011 and should be completed by December, 2011. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 165 working days. The project schedule is shown in *Attachment B*.

## PROJECT DESCRIPTION

In general, the proposed work consists of replacing 21,598 linear feet of sewer mains by pipe expanding, installing 3,004 linear feet by cured-in-place-pipe (CIPP), 148 linear feet of sewer mains by open trench, rehabilitating house connection sewers, reconnecting house connection sewers, and other ancillary work as indicated on the plans and specifications.

## EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Pacific Trenchless, Inc. from a previously completed project is included as *Attachment D*.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The contractor will have 50% of the work hours performed by Oakland residents, which will result in local dollars being spent locally.

**Environmental:** The replacement of the sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the Bay. 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.

**DISABILITY AND SENIOR CITIZEN ACCESS**

There is no direct impact or benefit to seniors or people with disabilities. During construction, the Contractor will be required to provide safe and accessible travel through the construction area.


**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to Pacific Trenchless, Inc., the lowest responsive responsible bidder, in the amount of \$3,064,854.00 for the Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104 - Project No. C312210). Pacific Trenchless, Inc. has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

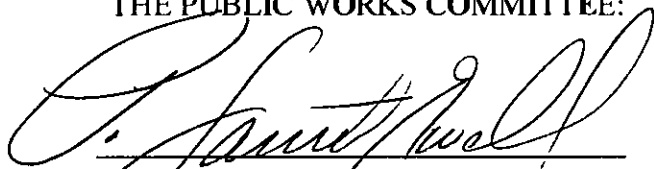
Respectfully submitted,

  
Vitaly B. Troyan, P.E., Director  
Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director  
PWA, Department of Engineering and Construction

Prepared by:  
Allen Law, P.E., Supervising Civil Engineer  
Engineering Design & R.O.W. Management Division

**APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:**

  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
May 24, 2011

# Attachment A Location Map

**Rehabilitation of Sanitary Sewers in The Area  
Bounded By MacArthur Boulevard, 64th Avenue,  
Simson Street, and 72nd Avenue  
CITY PROJECT NO. C312210**



### LOCATION MAP

NOT TO SCALE



PROJECT BOUNDARY

**Attachment B**

**Rehabilitation of Sanitary Sewers in the Area Bounded By  
MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue  
(Sub-Basin 84-104 - Project No. C312210)**

**List of Bidders**

Company	Bid Amount
Andes Construction, Inc	\$3,352,750
Pacific Trenchless, Inc.	\$3,064,854
Darcy & Harty Construction, Inc.	\$2,624,832

**Project Construction Schedule**

ID	Task Name	Start	Finish	2011											
				May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
1	Project No. C312210	Mon 7/11/11	Fri 12/16/11												
2	Construction	Mon 7/11/11	Fri 12/16/11												

*Attachment C*

*Memo*

Department of Contracting and Purchasing  
Social Equity Division

To: Jimmy Mach - Project Manager  
 From: Sophany Hang - Acting Contract Compliance Officer  
 Through: Deborah Barnes - DCP Director *Deborah Barnes*  
 Shelley Darensburg - Sr. Contract Compliance Officer  
 CC: Owen McCormick - Contract Administration Supervisor  
 Date: April 7, 2011  
 Re: C312210 - The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104)

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three(3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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 Cured in Place Pipe (CIPP) 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 CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 20% 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			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
	A	B	C					D	E	F		
Pacific Trenchless Inc.	\$3,064,854.00	\$90,120.00	\$2,974,734.00	90.59%	0%	90.59%	100%	90.59%	5%	\$2,916,117.30	2%	Y

Comments: As noted above, Pacific Trenchless, Inc. exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. The firm is EBO compliant.

Non-Responsive		Proposed Participation						Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
D'arcy & Harty	\$2,624,832.00	\$120,160.00	\$2,504,672.00	17.79%	0%	17.79%	100%	0%	0%	0%	0%	Y
Andes Construction	\$3,352,750.00	\$285,380.00	\$3,082,370.00	99.68%	0%	99.68%	0%	0%	0%	0%	0%	Y

Comments: As noted above, D'arcy & Harty failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

Andes Construction achieved 99.68% L/SLBE participation. However, they failed to meet the 20% L/SLBE trucking participation requirement, which is a substantial element of this work per Project Manager. Therefore, they are deemed non-responsive to the trucking requirement. Both firms are EBO compliant.

**For Informational Purposes**

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Pacific Trenchless, Inc  
 Project Name: Rehab of SS in the Area off Alvarado Road ... Evergreen  
 Project No: C282811

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

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

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	
1002	0	50%	501	100%	501	0	0	100%	150	15%	150	0

Comments: Pacific Trenchless Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 75 on-site hours and 75 off-site hours.

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

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C312210

PROJECT NAME: The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)

CONTRACTOR: Pacific Trenchless, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's</u>
\$3,457,805.00	\$3,064,854.00	\$90,120.00	\$392,951.00

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,916,117.30	\$148,736.70	\$2,974,734.00	5%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0.00%
  - c) % of SLBE participation 90.59%
3. Did the contractor meet the Trucking requirement? YES
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%
5. Additional Comments.

For this project, Bid Item Number 8, Cured In Place Pipe (CIPP) specialty work was excluded from that total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

4/7/2011

Date

Reviewing Officer:

Sophy Hung

Date:

4/7/11

Approved By:

Shelley Darenchung

Date:

4/7/11

## LBE/SLBE PARTICIPATION

### BIDDER 2

Project Name: The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)

Project No.: C312210		Engineers Est: 3,457,805.00				Under/Over Engineers Estimate: 392,951.00					For Tracking Only			
Discipline	Prime & Subs	Location	CerL Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE	
PRIME	Pacific Trenchless, Inc.	Oakland	CB		2,636,734.00	2,636,734.00			2,636,734.00	2,639,700.00	C			
Trucking	Willama Trucking	Oakland	CB		40,000.00	40,000.00	40,000.00	40,000.00	40,000.00	40,000.00	AA	40,000.00		
CIPP Lining	Insituform Tech	Sammanish	UB							87,154.00	C			
Saw Cutting	Bay Line Concrete Cutting & Coring	Oakland	CB		18,000.00	18,000.00			18,000.00	18,000.00	H	18,000.00		
HOPE Pipe	P & F Distributors	Brisbane	UB						220,000.00	220,000.00	C			
MH Materials	US Concrete inc.	Livermore	UB						40,000.00	40,000.00	C			
Pipe Coplings	Mission Clay	Oakland	UB						20,000.00	20,000.00	C			
<b>Project Totals</b>				\$0	\$2,694,734.00	\$2,694,734.00	\$40,000.00	\$40,000.00	\$2,974,734.00	\$3,064,854.00		\$58,000.00	\$0	
				0.00%	90.59%	90.59%	100.00%	100.00%	100.00%	100.00%		1.95%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CS = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise						

\* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C312210

PROJECT NAME: The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)

CONTRACTOR: D'arcy & Harty Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's</u>
\$3,457,805.00	\$2,974,832.00	\$120,160.00	\$482,973.00

<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	\$2,854,672.00	0%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO
- b) % of LBE participation 0%
- c) % of SLBE participation 17.97%
3. Did the contractor meet the Trucking requirement? YES
- a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO
- (if yes, list the percentage received) 0%

5. Additional Comments.

For this project, Bid Item Number 8 Cured In Place Pipe (CIPP) specialty work was excluded from that total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

4/7/2011

Date

Reviewing Officer:

Sandy Hung

Date:

4/7/11

Approved By

Shelley Saenolung

Date:

4/7/11

## LBE/SLBE PARTICIPATION

### BIDDER 1

Project Name: **The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)**

Project No.: C312210		Engineers Est: 3,457,805.00			Under/OVER Engineers Estimate: 482,973.00								
Disciplines	Prime & Subs	Location	CerL Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
											Ethn.	MBE	WBE
PRIME Trucking	D'arcy & Harty Construction, Inc.	San Francisco	UB						2,004,672.00	2,350,580.00	C		
	S & S Trucking	Oakland	CB		50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	H	50,000.00	
Pipe Work	Mosto Construction	Oakland	CB		400,000.00	400,000.00			400,000.00	400,000.00	H	400,000.00	
Pipe Work	Mission Clay	Oakland	UB						50,000.00	50,000.00	C		
CIPP	SAK	Pochaco	UB							124,252.00			
<b>Project Totals</b>				\$0.00	\$450,000.00	\$450,000.00	\$50,000.00	\$50,000.00	\$2,504,672.00	\$2,974,832.00		\$450,000.00	\$0.00
				0.00%	17.97%	17.97%	100%	100%	100%	100%		17.97%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian N = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise 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 sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C312210

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)

**CONTRACTOR:** Andes Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's</u>
\$3,457,805.00	\$3,352,750.00	\$285,380.00	\$105,055.00

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$0	\$0	\$3,082,370	0%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0.00%**
  - c) % of SLBE participation **99.68%**
- 3. Did the contractor meet the Trucking requirement? **NO**
  - a) Total SLBE/LBE trucking participation **0%**
- 4. Did the contractor receive bid discounts? **NO**

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

**5. Additional Comments.**

For this project Bid Item Number 8, Cured In Place Pipe (CIPP) specialty work was excluded from that total bid price for the purposes of determining compliance with the 20% L/SLBE requirement Contractor achieved 99.68% L/SLBE participation. However, they failed to meet the 20% L/SLBE trucking participation requirement, which is a substantial element of this work per Project Manager. Therefore, they are deemed non-responsive.

4/7/2011  
Date

Reviewing Officer:

Stephen Hung

Date: 4/7/11

Approved By:

Shelley Oarensburg

Date: 4/7/11

## LBE/SLBE PARTICIPATION

### BIDDER 3

Project Name: The Rehabilitation of Sanitary Sewers in an Area Bounded by MacArthur Boulevard, 64th Avenue, Simson Street and 72nd Avenue (Sub-Basin 84-104)

Project No.: C312210		Engineers Est: 3,457,805.00				Under/Over Engineers Estimate: 105,055.00				For Tracking Only					
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE		
PRIME	Andes Construction	Oakland	CB		3,067,370.00	3,067,370.00			3,067,370.00	3,337,750.00	H	3,067,370.00			
Saw Cutting	Bay Line Concrete Cutting & Coring	Oakland	CB		5,000.00	5,000.00			5,000.00	5,000.00	H	5,000.00			
Trucking	Foston Trucking	Oakland	UB					10,000.00	10,000.00	10,000.00	AA	10,000.00			
<b>Project Totals</b>				\$0	\$3,072,370.00	\$3,072,370.00	\$0.00	\$10,000.00	\$3,082,370.00	\$3,352,750.00		\$3,082,370.00	\$0		
				0.00%	99.68%	99.68%	0.00%	100.00%	100.00%	100.00%		100.00%	0%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% 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				
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise 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 sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirements.

*Attachment D*



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

Project Number/Title: C181820 / 55 Hampel St, Linwood Ave  
 Work Order Number (if applicable): Estimwood Ave - Wellington Ave  
 Contractor: Patrick Trenchless  
 Date of Notice to Proceed: June 14, 2009  
 Date of Notice of Completion: Nov 2, 2009  
 Date of Notice of Final Completion: Nov 2, 2009  
 Contract Amount: 249,775  
 Evaluator Name and Title: James Muegel Const Mgr

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**WORK PERFORMANCE**

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

*P. S. Trenches*

*6201220*

**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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 #8. If "Yes", complete (9a) below.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**FINANCIAL**

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

*Resident Trends*

*6121810*

**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 type="checkbox"/>	<input checked="" 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	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"/>	

*Acide Trenchless*

*601010*

# OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 1.5

OVERALL RATING: 2

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

## PROCEDURE:

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

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

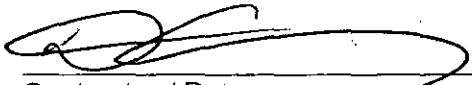

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

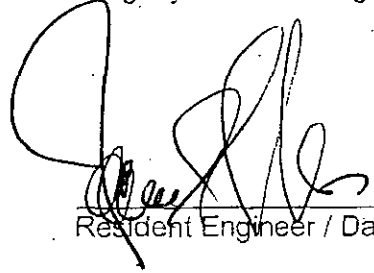
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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

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

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

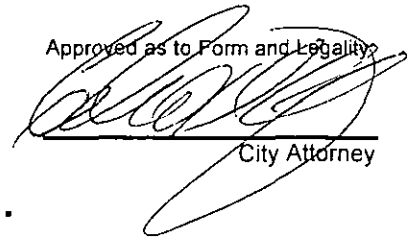
  
Contractor / Date  
ALAN CASSELY V.P.  
PACIFIC TRENCHLESS INC.  
  
Supervising Civil Engineer / Date

  
Resident Engineer / Date 11/10/09



ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**  
City Attorney

2011 MAY 11 AM 10:16

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

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

**RESOLUTION AWARDDING A CONSTRUCTION CONTRACT TO PACIFIC TRENCHLESS, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MACARTHUR BOULEVARD, 64<sup>TH</sup> AVENUE, SIMSON STREET AND 72<sup>ND</sup> AVENUE (SUB-BASIN 84-104 - PROJECT NO. C312210) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SIXTY-FOUR THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS (\$3,064,854.00)**

**WHEREAS**, on September 16, 2010, 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 MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104 - Project No. C312210); and

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

**WHEREAS**, there are sufficient funds in the project budget for the work in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C312210; \$3,064,854.00; 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 that the City lacks the equipment and qualified personnel to perform the necessary work, and 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**, Pacific Trenchless, Inc. complies with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Administrator has determined 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 services; now, therefore, be it

**RESOLVED:** That the construction contract for the Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, 64<sup>th</sup> Avenue, Simson Street and 72<sup>nd</sup> Avenue (Sub-Basin 84-104 - Project No. C312210) is hereby awarded to Pacific Trenchless, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated March 17, 2011, for the amount Of Three Million Sixty-Four Thousand Eight Hundred Fifty-Four Dollars (\$3,064,854.00); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$3,064,854.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$3,064,854.00, with respect to such work are hereby approved; and be it

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

**FURTHER RESOLVED:** That the City Council finds that 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

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL SCHAAF, and  
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California