

CITY OF OAKLAND

AGENDA REPORT

2011 APR 27 PM 12:56

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: May 10, 2011

RE: Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Replacement Of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620), In The Amount Of Five Hundred Eighty-Five Thousand Eight Hundred Forty-Seven Dollars (\$585,847.00)

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$585,847.00 to Andes Construction, Inc., for the Replacement of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located on Tidewater Avenue approximately one thousand feet from the intersection of Tidewater Avenue and High Street in Council District 5.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction, Inc., in the amount of \$585,847.00. Funding for this project is available in:

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C267620; \$585,847.00.

This project will replace an aged sanitary sewer pump station with a new facility, which will minimize its demand for sanitary sewer maintenance.

BACKGROUND

On February 24, 2011, the City Clerk received four bids for this project in the amounts of \$585,847.00, \$631,100.00, \$768,500.00, and \$768,800. A summary is shown in *Attachment A*. Andes Construction, Inc., is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$560,000.00.

Under the proposed contract with Andes Construction, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 65.01%, which exceeds the

Item: _____
Public Works Committee
May 10, 2011

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 and 50% of all new hires are to be 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 B*.

KEY ISSUES AND IMPACTS

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer overflows. This project is part of the Citywide program to eliminate wastewater overflows. Construction is scheduled to begin in June 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 120 working days. The project schedule is shown in *Attachment A*.

PROJECT DESCRIPTION

In general, the proposed work consists of demolition and abandonment of the existing sanitary sewer pump station, excavation, dewatering, shoring and installation of a pre-engineered and pre-fabricated complete pump station system with associated electrical and alarm systems including a portable stand-by power generator, relocation of power from the existing pump station to the new pump station, procurement of telecommunication lines for auto dialer alarms, and other related items of work as stated in the Special Provisions and project plans for a fully functional sanitary sewer pump station.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Andes Construction, Inc., from a previously completed project is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor will 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 local dollars being spent locally.

Environmental: The replacement of aged sanitary sewer facilities 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.

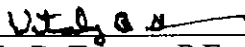
RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Andes Construction, Inc., the lowest responsive responsible bidder, in the amount of \$585,847.00 for the Replacement of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620). Andes Construction, 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.

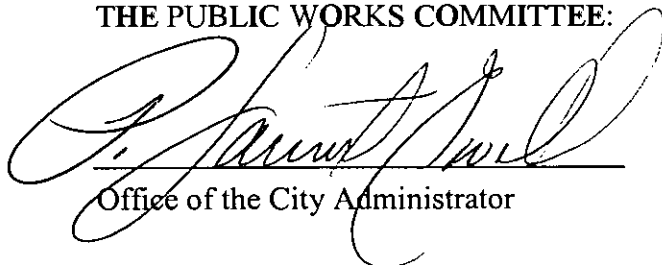
Respectfully submitted,


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 10, 2011

Attachment A

List of Bidders

Company	Bid Amount
Andes Construction, Inc.	\$585, 847.00
Ray's Electric	\$631, 000.00
McGuire & Hester	\$768, 400.00
Anderson Pacific	\$768, 800.00

Project Construction Schedule

ID	Task Name	Start	Finish	2011											
				May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
1	Project No. C267620	Men 6/20/11	Fri 12/16/11												
2	Construction	Mon 6/20/11	Fri 12/16/11												

Attachment B

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Kevin Kashi, Civil Engineer
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P *Deborah Barnes*
 Shelley Darensburg, Sr. Contract Compliance Officer
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: March 8, 2011
 Re: C267620 – Replacement of Tidewater Avenue Sanitary Sewer Pump

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed four (4) 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.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Andes Construction	\$585,847	65.01%	.51%	64.50%	100%	65.01%	5%	\$556,555	1%	Y
Ray's Electric	\$631,100	51.64%	.19%	51.45%	100%	51.64%	5%	\$599,454	0%	Y
McGuire & Hester	\$768,500	92.43%	44.99%	47.44%	100%	92.43%	5%	\$737,760	2%	Y

Comments: As noted, the three firms listed above exceeded the minimum 20% L/SLBE participation requirement. All firms are EBO compliant.

Non-Responsive to L/SLBE, EBO and/or Bid Specifications and other Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Anderson Pacific Engineering	\$768,800	1.63%	0%	1.63%	0%	0%	0%	0%	0%	N

Comments: Anderson Pacific Engineering failed to meet the minimum 20% L/SLBE participation requirement and the 20% L/SLBE trucking requirement. The firm is not 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 on their most recently completed City of Oakland project.

Contractor Name: Andes Construction
 Project Name: Rehab of Sanitary Sewer in the Area Bounded by Midvale Avenue, I-S80 and Carlsen
 Project No: C227310

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

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
16012	0	50%	8006	200%	15,608	0	0	100%	2402	15%	2401	NA

Comments: Andes Construction exceeded the Local Employment Program's 50% resident hiring goal and 15% Oakland Apprenticeship Program goals on their most recently completed City of Oakland project.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267620

RE: Replacement of Tidewater Avenue Sanitary Sewer Pump

CONTRACTOR: Andes Construction

<u>Engineer's Estimate:</u> \$560,000	<u>Contractors' Bid Amount</u> \$585,847	<u>Over/Under Engineer's Estimate</u> (\$25,847)
<u>Discounted Bid Amount:</u> \$556,555	<u>Amt. of Bid Discount</u> \$29,292	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply.		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	0.51%	
b) % of SLBE participation	64.50%	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	100%	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	5%	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

3/8/2011

Date

Reviewing Officer:

Vivian Jan

Date: 3/8/2011

Approved By:

Shelley Doranburg

Date: 3/8/2011

LBE/SLBE Participation Bidder 1

Project Name: Replacement of Tidewater Avenue Sanitary Sewer Pump

Project No.: C267620		Engineer's Estimate: 660,000			Under/Over Engineers Estimate: -25,847								
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars				
										Ethnic	MBE	WBE	
PRIME	Andes Construction	Oakland	CB		372,847.00	372,847.00			372,647.00	H	372,847.00		
Saw Cutting	Bay Line	Oakland	CB	3,000.00		3,000.00			3,000.00	H	3,000.00		
Trucking	Irving Trucking	Oakland	CB		5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	AA	5,000.00		
Concrete Footing	JC Framing Services	Oakland	UB						5,000.00	H	5,000.00		
Pumps	Romtec Utilities	Roseburg	UB						200,000.00	NL			
Project Totals				\$3,000.00	\$377,847	\$380,847	\$5,000	\$5,000	\$585,847.00		\$385,847.00	\$0.00	
				0.51%	64.50%	65.01%	100%	100%	100%		65.86%		
Requirements: 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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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			



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267620

RE: **Replacement of Tidewater Avenue Sanitary Sewer Pump**

CONTRACTOR:

Ray's Electric

Engineer's Estimate:
\$560,000

Contractors' Bid Amount
3631,100

Over/Under Engineer's Estimate
(\$71,100)

Discounted Bid Amount:
\$599,545.00

Amt. of Bid Discount
\$31,555.00

Discount Points:
5%

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation 0.19%

b) % of SLBE participation 51.45%

3. Did the contractor meet the Trucking requirement? **YES**

a) Total trucking participation 100%

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) 5%

5. Additional Comments.

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

3/8/2011

Date

Reviewing Officer:

Nina James

Date: 3/8/2011

Approved By

Shelley Darenburg

Date: 3/8/2011

LBE/SLBE Participation Bidder 2

Project Name: Replacement of Tidewater Avenue Sanitary Sewer Rump

Project No.: C267620		Engineer's Estimate: 560,000				Under/Over Engineers Estimate: -71,100						
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										Ethn	MBE	WBE
PRIME Trucking Sewer Manhole	Ray's Electric	Oakland	CB		320,124.00	320,124.00			320,124.00	C		
	Williams Trucking	Oakland	CB		3,400.00	3,400.00	3,400.00	3,400.00	3,400.00	AA	34,000.00	
	US Concrete	Pleasanton	UB						4,750.00	NL		
Saw Cutting Dewatering	Bayline Cutting	Oakland	CB	1,200.00	1,200.00				1,200.00	H	1,200.00	
	Rain for Rent	Oakland	UB						18,224.00	NL		
Shoring	United Rentals	Hayward	UB						2,625.00	NL		
Pump Eqpts.	Romtec	Rosenburg	UB						275,000.00	NL		
Gate & Fence	Bailey Fence Co.	Hayward	UB						5,777.00	NL		
Project Totals				1,200.00	324,724.00	323,524.00	3,400.00	3,400.00	631,100.00		\$35,200	\$0
				0.19%	51.45%	51.64%	100%	100%	100%		5.58%	
Requirements: 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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267620

RE: **Replacement of Tidewater Avenue Sanitary Sewer Pump**

CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$560,000	\$768,500	\$560,000

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$730,075	\$38,425	5%

1. Did the 20% local/small local requirement apply? **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **44.99%**

b) % of SLBE participation **47.44%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total trucking participation **100%**

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **5%**

5. Additional Comments.

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

3/8/2011

Date

Reviewing Officer:

Nuria Armer

Date: 3/8/2011

Approved By

Shelley Darsenburg

Date: 3/8/2011

LBE/SLBE Participation Bidder 3

Project Name: Replacement of Tidewater Avenue Sanitary Sewer Pump

Project No. C267620		Engineer's Estimate 560,000				Under/Over Engineers Estimate: 559,999							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	Ethnic	MBE	WBE	
						LBE/SLBE	Trucking	Trucking	Dollars				
PRIME	McGuire & Hester	Oakland	CB	345,754.00		345,754.00			345,754.00	C			
Trucking	S&S Trucking	Oakland	CB		37,035.00	37,035.00	37,035.00	3,035.00	37,035.00	H	37,035.00		
Masonry	Hunt Masonry	Concord	UB						8,400.00	NL			
Fencing & Gates	North American Fence & Supply	Oakland	CB		10,998.00	10,998.00			10,998.00	C		10,998.00	
Electrical	Paradig Energy	Hayward	UB						49,750.00	NL			
Supplier	General Supply Co.	Oakland	CB		316,563.02	316,563.02			316,563.02	AA	316,563.02		
Project Totals				\$345,754.00	\$364,596.02	\$710,350.02	\$37,035.00	\$3,035.00	\$768,500.02		\$353,598	\$10,998	
				44.99%	47.44%	92.43%	100%	100%	100%		46.01%		
Requirements: 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%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLSE = NonProfit Local Business Enterprise		NPSLBE = NonProfit Small Local Business Enterprise	
				UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise			



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267620

RE: **Replacement of Tidewater Avenue Sanitary Sewer Pump**

CONTRACTOR: Anderson Pacific Engineering

<u>Engineer's Estimate:</u> \$560,000	<u>Contractors' Bid Amount</u> \$768,800	<u>Over/Under Engineer's Estimate</u> (\$208,800)
--	---	--

<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
--------------------------------------	------------------------------------	-------------------------------

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **NO**

a) % of LBE participation 0.00%

b) % of SLBE participation 1.63%

3. Did the contractor meet the Trucking requirement? **NO**

a) Total trucking participation 0%

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) 0%

5. Additional Comments.

Firm failed to meet the City's minimum 20% L/SLBE participation requirement and 20% trucking requirement. Therefore, the firm is deemed non-responsive.

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

3/8/2011

Date

Reviewing Officer:

Vittori

Date: 3/8/2011

Approved By

Shelley Baransky

Date: 3/8/2011

LBE/SLBE Participation Bidder 4

Project Name: Replacement of Tidewater Avenue Sanitary Sewer Pump

Project No.: C267620		Engineer's Estimate			560,000		Under/Over Engineers Estimate: 559,999						
Discipline	Prime & Subs	Location	CorL Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
										Ethnicity	MBE	WBE	
PRIME	Anderson Pacific Eng. Constr. Inc.	Santa Cruz	UB						587,782.00				
Piping Supply	R&B Co.	Redwood City	UB						12,000.00	NL			
Masonry	Creative Masonry	Livermore	UB						6,520.00	NL			
Striping	Uneations	Oakland	CB		1,500.00	1,500.00			1,500.00	C			
Gates	North American Fence Supply	Oakland	CB		10,998.00	10,998.00			10,998.00	C		10,998.00	
Electrical	HGH Electric	Oakland	UB						150,000.00	C			
Project Totals				\$0.00	\$12,498.00	\$12,498.00	\$0.00	\$0.00	\$768,800.00		\$0.00	\$10,998.00	
				0.00%	1.63%	1.63%	0%	0%	100%		0.00%		
Requirements: 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%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				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 Enterprises			

Attachment C

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

Project Number/Title: C227310-Rehabilitation of Sanitary Sewers in the area bounded by Midvale Ave., I-580 FWY, Laurel Ave., and Carlsen St.

Work Order Number (if applicable): _____

Contractor: Andes Construction

Date of Notice to Proceed: 9/14/2009

Date of Notice of Completion: 11/24/2010

Date of Notice of Final Completion: 11/24/2010

Contract Amount: \$2,205,357.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

RECORDED

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input 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	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	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

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

SAFETY

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

OVERALL RATING

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

1. Enter Overall score from Question 7 2 X 0.25 = 0.50
2. Enter Overall score from Question 13 2 X 0.25 = 0.50
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.30
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5): 2.0

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-

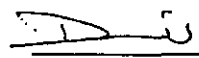
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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.*


Contractor / Date

 1/10/2011
Resident Engineer / Date

 01/12/10
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.

CITY OF OAKLAND
PWA
PROJECT DELIVERY DIVISION



TRANSMITTAL

To: Gwen McCormick
Contract Administration

RECEIVED
CONTRACT ADMINISTRATION
2011 FEB 22 PM 4:29

From: Treva Avery, Project Delivery

Tel: (510) 238-2025

Fax: (510) 238-7238

Re: Contractor Evaluation
Project Number C227310

Date: 2/22/11

Sent: Attached Under Separate Cover

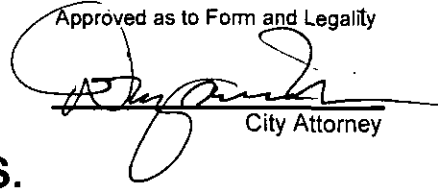
Description:

-
- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> For Approval/ Signature | <input type="checkbox"/> Approved | <input type="checkbox"/> Please call |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Not approved | <input checked="" type="checkbox"/> Please handle |
| <input type="checkbox"/> As requested | <input type="checkbox"/> For information only | <input type="checkbox"/> Please advise |
| <input type="checkbox"/> Review/ Comment | | |
-

Please return to Treva Avery. If you have any questions call 238-2025.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2011 APR 27 PM 12:56

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REPLACEMENT OF TIDEWATER AVENUE SANITARY SEWER PUMP STATION (PROJECT NO. C267620), IN THE AMOUNT OF FIVE HUNDRED EIGHTY-FIVE THOUSAND EIGHT HUNDRED FORTY-SEVEN DOLLARS (\$585,847.00)

WHEREAS, on February 24, 2011, four bids were received by the Office of the City Clerk of the City of Oakland for the Replacement of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620); and

WHEREAS, Andes Construction, 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 Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C267620; \$585,847.00; 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, Andes Construction, 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 Replacement of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620) is hereby awarded to Andes Construction, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated February 24, 2011, for the amount of Five Hundred Eighty-Five Thousand Eight Hundred Forty-Seven Dollars (\$585,847.00); 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, \$585,847.00, 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, \$585,847.00, 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 Andes Construction, 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 in the event the contractor awarded by this resolution is determined to be unresponsive to the timely execution of the contract as specified by the project specification, the City Administrator is hereby authorized to negotiate and award the contract for the Replacement of Tidewater Avenue Sanitary Sewer Pump Station (Project No. C267620) for an amount up to Six Hundred Thirty-One Thousand Dollars (\$631,000) to the next responsive, responsible bidder; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; 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