

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 DEC 30 PM 2:30
CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, PWA

SUBJECT: Rehab of Sanitary Sewers – C227230

DATE: December 04, 2013

City Administrator
Approval

Deanna Santana

Date:

12-16-13

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council adopt a resolution awarding a Construction Contract To Andes Construction For The Rehabilitation Of Sanitary Sewers In The Area Bounded By 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, And 12th Street (Project No. C227230) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Four Million Five Hundred Eighty Thousand Six Hundred Five Dollars (\$4,580,605.00)

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Andes Construction in the amounts of \$4,580,605.00. 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 Districts 3 as shown in *Attachment A*.

This project will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area.

BACKGROUND/LEGISLATIVE HISTORY

On October 24, 2013, the City Clerk received three bids for this project in the amount of \$4,580,605.00, \$5,297,836.00 and \$6,654,495.00. Andes Construction is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$4,131,126.00. The proposed work consists, in general, of replacing approximately 3,000 linear feet (LF) of existing 6" to 24" diameter sewer pipes with High Density Polyethylene (HDPE) pipe; lining approximately 21,300 LF of existing 8" to 24" diameter sewer pipes; cleaning 54" diameter sewer pipes; rehabilitating sewer structures; reconnecting house connection sewers; rehabilitating house connections sewers, and other related works as indicated on the plans and specifications.

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List of Bidders

Company	Bid Amount
Engineer's Estimate	\$4,131,126.00
Andes Construction	\$4,580,605.00
Pacific Trenchless, Inc.	\$5,297,836.00
J. Howard Engineering, Inc.	\$6,654,495.00

ANALYSIS

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. Construction is scheduled to begin in April 2014 and should be completed by January 2015. 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**. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

Under the proposed contract with Andes Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation of LBE/SLBE will be 87.18%, which exceeds the City's 50% LBE/SLBE requirement. The contractor shows L/SLBE (100%) for trucking, exceeding the 50% 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 C**.

PUBLIC OUTREACH/INTEREST

Neighborhood/Merchants Associations have been notified in writing about this project. They will be notified again individually prior to construction.

COORDINATION

The work to be done under these contracts was coordinated with:

- Public Works Agency – Department of Infrastructure and Operations
- In addition, the following reviewed this report and resolutions:
 - Office of the City Attorney
 - City Budget Office

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COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

FUNDING SOURCE	AMOUNT
The Rehabilitation of Sanitary Sewers in The Area Bounded By 20 th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, And 12 th Street (Project No. C227230)	\$4,580,605.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$4,537,525.00

3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C227230	\$4,580,605.00

4. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute construction contract in the amount of \$4,580,605.00. This project will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area, and reduce ongoing maintenance costs.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Andes Construction from a previously completed project is satisfactory and is included as **Attachment D**.

SUSTAINABLE OPPORTUNITIES

Economic: 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, 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. Best Management Practices for the protection of storm water runoff during construction will be required.

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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, 510-238-6601.

Respectfully submitted,



BROOKE A. LEVIN
Interim Director, Public Works Agency

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

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

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

Attachments:

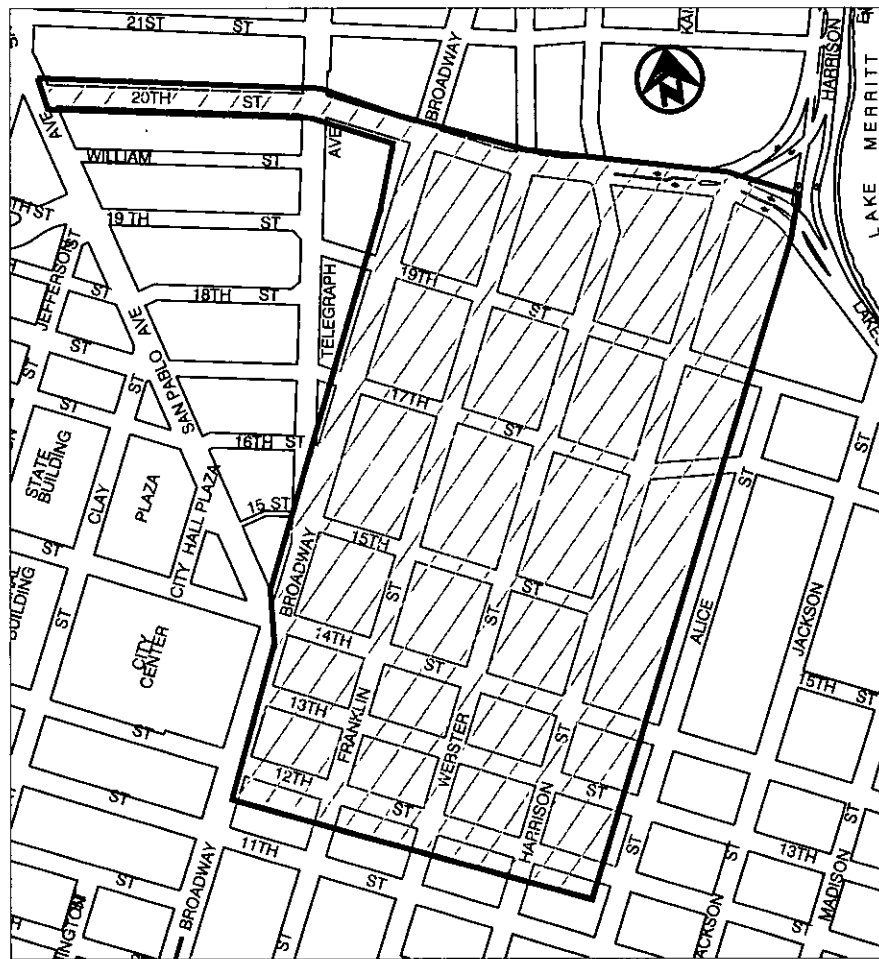
- Attachment A – Project Location Map
- Attachment B – Project Construction Schedule
- Attachment C – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Performance Evaluation

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Attachment A

PLANS FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY 20TH STREET, SAN PABLO AVENUE, TELEGRAPH AVENUE, ALICE STREET AND 12TH STREET

CITY PROJECT NO. C227230



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 



CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: Gunawan Santoso
Acting Supervising Civil Engineer

FROM: Deborah Barnes *Deborah Barnes*

SUBJECT: Compliance Analysis

DATE: October 31, 201

For The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)
Project No. C227230

The 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.

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 50% L/SLBE requirement.

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

Responsive		Proposed Participation							Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBB	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
Andes Construction, Inc.	\$4,580,605	\$2,562,905	\$2,017,700	87.18%	3.02%	82.54%	1.62%	100%	87.18%	5%	\$4,479,720.00	Y
Pacific Trenchless, Inc.	\$5,297,836	\$2,011,755	\$3,286,081	95.44%	.61%	94.83%	0.00%	100%	95.44%	5%	\$5,133,531.95	Y
J. Howard Engineering, Inc.	\$6,654,495	\$2,293,045	\$4,361,450	97.04%	1.33%	95.71%	0.00%	100%	97.04%	5%	\$6,436,422.50	Y

Comments: As noted above, all firms exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

*Andes Construction Inc.'s proposed VSLBE/LPG participation value was 0.81%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value was 1.62%.

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C227230

PROJECT NAME: The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)

CONTRACTOR: Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid</u>	<u>Over/Under Engineer's</u>
	<u>Amount</u>	<u>Estimate</u>
\$4,131,126.00	\$4,580,605.00	-\$449,479.00
	<u>Specialty Dollar Amount</u>	
	\$2,562,905.00	

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid</u>	<u>Discount Points:</u>
	<u>Amount</u>	<u>Amount</u>	
\$4,479,720.00	\$100,885.00	\$2,017,700.00	5%

1. Did the 50% requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **YES**
 - b) % of LBE participation **3.02%**
 - c) % of SLBE participation **82.54%**
 - d) % of VSLBE/LPG participation ***1.62%**
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
 - (if yes, list the percentage received) **5.00%**
5. Additional Comments.

Bid item #10-18 and #35 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. *Proposed VSLBE/LPG participation is valued at 0.81%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 1.62%.

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

10/31/2013

Date

Reviewing Officer:

[Signature]

Date:

10/31/2013

Approved By:

Shelley Darenburg

Date:

10/31/2013

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: Andes Construction
 Project Name: Rehab or SS in the Easement by Knowland Zoo
 Project No: C329116

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.

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			
651	0	50%	326	100%	326	0	0	100%	98	15%	98	0

Comments: Andes Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 49 on-site hours and 49 off-site hours.

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

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: **The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)**

C227230		Engineers Est: \$4,131,126.00				Under/Over Engineers Estimate: -\$449,479.00				For Tracking Only					
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	**VSLBE/LPG <small>(double counted value)</small>	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking						
PRIME	Anides Construction, Inc.	Oakland	CB		2,017,237		2,017,237			2,017,237	3,987,605	H	1,511,620		
Sew Cutting	Bay Line	Berkeley	UB							10,000	10,000	H	10,000		
Trucking	Foston Trucking	Oakland	CB		15,000		15,000	15,000	15,000	15,000	15,000	AA	15,000		
HDPE Pipe	ISCO	Louisville	US							8,000	8,000	C			
App Felt	Masterliner	Hammond	UB								130,000	C			
MH Precast	Old Casue	Pleasanton	UB							30,000	30,000	C			
Rehab Material	Contech	Stockton	UB							15,000	15,000	C			
Resin Mat	Composites	Sacramento	UB							200,000	200,000	C			
AB Material	Inner-City Recycling	Oakland	CB		15,000		15,000			15,000	15,000	C			
AC	Gallagher & Burk	Oakland	CB			20,000	20,000			20,000	20,000	C			
Concrete	Right Away	Oakland	CB	75,000			75,000			75,000	75,000	C			
Cleaning	Brenford	Pearland	UB							60,000	60,000	C			
Conar	National Plant	Long Beach	UB							15,000	15,000	C			
Project Totals				\$75,000	\$2,047,237	\$20,000	\$2,142,237	\$15,000	\$15,000	\$2,480,237	\$4,580,605		\$1,536,620	\$0	
				3.02%	82.54%	1.62%	87.18%	100%	100%	100%	100%		61.95%	0%	
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE VSLBE/LPG	50% LBE/SLBE TRUCKING				Ethnic AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed UO = Multiple Ownership			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NP SLBE = NonProfit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise															

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

** Proposed VSLBE/LPG participation is valued at 1.01%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C227230

PROJECT NAME: The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)

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 Estimate</u>
\$4,131,126.00	\$5,297,836.00	\$2,011,755.00	-\$1,166,710.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$5,133,531.95	\$164,304.05	\$3,286,081.00	5%

- 1. Did the 50% requirements apply? YES
- 2. Did the contractor meet the 50% requirement? YES
 - b) % of LBE participation 0.61%
 - c) % of SLBE participation 94.83%
 - d) % of VSLBE/LPG Participation 0.00%
- 3. Did the contractor meet the L/SLBE Trucking requirement? YES
 - a) Total L/SLBE trucking participation 100%
- 4. Did the contractor receive bid discounts? YES
 - (If yes, list the percentage received) 5%

5. Additional Comments.

Bid item #10-18 and #35 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.

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

10/31/2013
Date

Reviewing Officer:

Sung Haug

Date: 10/31/2013

Approved By:

Shelley Oarensberg

Date: 10/31/2013

BIDDER 2

Project Name: **The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)**

C227230		Engineers Est: \$4,131,126.00					Under/Over Engineers Estimate: -\$1,166,710.00					For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG double counted value	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME Trucking	Pacific Trenchless, Inc.	Oakland	CB		3,081,081		3,081,081			3,081,081	3,692,386	C		
	Williams Trucking	Oakland	CB		35,000		35,000	35,000	35,000	35,000	35,000	AA	35,000	
CIPP Uning	Re Pipe	Riverside	UB								1,215,450	C		
Pipe Cleaning	Pipe & Plant Solutions	SF	UB								185,000	C		
HDPE Pipe MH	P&F Distributors	Brisbane	UB							70,000	70,000	C		
Materials	US Concrete, Inc.	Livermore	UB							30,000	30,000	C		
Manhole Lining	Contech of California	Stockton	UB							50,000	50,000	C		
Pipe Couplings	Mission Clay Products	Oakland	CB	20,000			20,000			20,000	20,000	C		
Project Totals				\$20,000	\$3,116,081	\$0.00	\$3,136,081	\$35,000	\$35,000	\$3,286,081	\$5,297,836		\$35,000	\$0
				0.61%	94.83%	0.00%	95.44%	100%	100%	100%	100%		1.07%	0.00%
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the				LBE-25%	SLBE-25%	VSLBE/ERG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING				Ethnic: AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				LBE = Local Business Enterprise		UB = Uncertified Business								
				SLBE = Small Local Business Enterprise		CB = Certified Business								
				VSLBE = Very Small Local Business Enterprise		MBE = Minority Business Enterprise								
				LPG = Locally Produced Goods		WBE = Women Business Enterprise								
				Total LBE/SLBE = All Certified Local and Small Local Businesses										
				HPLBE = NonProfit Local Business Enterprise										
				NPSLBE = NonProfit Small Local Business Enterprise										

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

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C227230

PROJECT NAME: The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)

CONTRACTOR: J. Howard Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,131,126.00	\$6,654,496.00	\$2,293,046.00	-\$2,623,369.00

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$6,436,422.60	\$218,072.60	\$4,361,450.00	5%

1. Did the 50% requirements apply? YES

2. Did the contractor meet the 50% requirement? YES
 - b) % of LBE participation 1.33%
 - c) % of SLBE participation 95.71%
 - d) % of VSLBE/LPG Participation 0.00%

3. Did the contractor meet the L/SLBE Trucking requirement? YES
 - a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5.00%

5. Additional Comments.

Bid Item #10-18 and #35 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement

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

Reviewing Officer:

[Signature]

Date:

10/31/2013
Date

10/31/2013

Approved By:

[Signature]

Date:

10/31/2013

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: **The Rehabilitation of Sanitary Sewers in the Area Bounded by 20th Street San Pablo Avenue, Telegraph Avenue, Alice Street, and 12th Street-Part Two (Sub-basin 52-05)**

Project No.: C227230		Engineers Esc \$4,131,126.00				Under/Ovar Engineers Estimate: -\$2,523,369.00					For Tracking Only			
Discipline	Pdme & Subs	Location	Cert Status	LBE	SLBE	**VSLBE/LPG <small>double counted Value</small>	Total	L/SLBE	Total	*Non-Specialty	TOTAL Original	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Bid Amount	Bid Amount			
PRIME	J. Howard Engineering, Inc.	Oakland	CB		4,044,450		4,044,450			4,044,450	5,112,495	C		
Trucking	Williams Trucking	Oakland	CB		60,000		60,000	60,000	60,000	60,000	60,000	AA	60,000	
Trucking	CJC Trucking	Oakland	CB		60,000		60,000	60,000	60,000	60,000	60,000	AA	60,000	
HDPE Pipe	P & F Distributors	Brisbane	UB							70,000	70,000	C		
Saw Cutting	Bay Line	Berkeley	UB							30,000	30,000	H	30,000	
MH Materials	Old Castle	Pleasanton	UB							20,000	20,000	C		
Pipe Couplings	Mission Clay	Oakland	CB	33,000			33,000			33,000	33,000	C		
Readymix Concrete	Right Away Ready	Oakland	CB	25,000			25,000			25,000	25,000	C		
Recycle Mat	Inner City	Oakland	CB		10,000		10,000			10,000	10,000	O		
Manhole Lining	Contech of CA	Stockton	UB							9,000	9,000	C		
CIPP	Ctsuan Bros.	Agua Dulce	UB								1,225,000	C		
Project Totals				\$58,000	\$4,174,450	\$0	\$4,232,450	\$120,000	\$120,000	\$4,361,450	\$6,654,495		\$150,000	\$0.00
				1.33%	95.71%	0.00%	97.04%	100%	100%	100%	100%		2.25%	0.00%
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE/TRUCKING				Ethnicity: AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NE = Not Listed MO = Multiple Ownership		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non-Profit Local Business Enterprise NPSLBE = Non-Profit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise														

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


Attachment D


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.

 2-5-13
Contractor / Date

 1/17/13
Resident Engineer / Date
for Juan Osalbo

 1/17/13
Supervising Civil Engineer / Date

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

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-

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"/>	

C71 Contractor Evaluation Form Contractor: Andes Construction Project No. C329116

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:					
	Notification of any significant issues that arose? If "Marginal or Unsatisfactory"					

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"/>	

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"/>	

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 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"/>	

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"/>	

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

Project Number/Title: RSS In the Easement of KNowland Park
 Work Order Number (if applicable): C329116
 Contractor: Andes Construction
 Date of Notice to Proceed: 6-6-11
 Date of Notice of Completion: 7-23-12
 Date of Notice of Final Completion: 7-23-12
 Contract Amount: \$437,592.00
 Evaluator Name and Title: Jun Osalbo, 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.

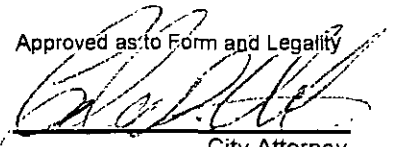
If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

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.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2013 DEC 30 PM 2:30

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY 20TH STREET, SAN PABLO AVENUE, TELEGRAPH AVENUE, ALICE STREET, AND 12TH STREET (PROJECT NO. C227230) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF FOUR MILLION FIVE HUNDRED EIGHTY THOUSAND SIX HUNDRED FIVE DOLLARS (\$4,580,605.00)

WHEREAS, on October 24, 2013, four 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 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, And 12th Street (Project No. C227230); and

WHEREAS, Andes Construction, 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. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C227230; \$4,580,605.00; 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, Andes Construction 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 20th Street, San Pablo Avenue, Telegraph Avenue, Alice Street, And 12th Street (Project No. C227230) to Andes Construction, the lowest responsive and responsible bidder, in an amount of Four Million Five Hundred Eighty Thousand Six Hundred Five Dollars (\$4,580,605.00) in accord with plans and specifications for the Project and contractor's bid dated October 24, 2013; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$4,580,605.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$4,580,605.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with Andes Construction 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 her designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Andes Construction 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 City Administrator, or her 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, GALLO, KALB, KAPLAN, GIBSON MCELHANEY, REID, SCHAAF, and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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