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OFFICE OF THE CITY CLERK
OAKLAND

2016 FEB 10 PM 12:15

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: On-Call City Facilities Sanitary
Sewers Laterals Repair

DATE: January 15, 2016

City Administrator Approval

Date:

2/9/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding Construction Contracts In An Amount Not To Exceed One Million Dollars (\$1,000,000.00) Each With 1) Mosto Construction And 2) Roto-Rooter For On-Call City Facilities Sanitary Sewer Laterals Repair Project Fiscal Year 2015-18 (Project No. C329152) Over A Period Of Three Years.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute two on-call construction contracts with Mosto Construction and Roto-Rooter in the amount not to exceed \$1,000,000.00 each. This project is part of the City's Sanitary Sewer program intended to specifically improve the sanitary system service laterals of City-owned facilities throughout Oakland, and is required under the 2014 Sewer Consent Decree.

BACKGROUND / LEGISLATIVE HISTORY

In accordance with the 2014 Consent Decree, Oakland is required to inspect and, where necessary, repair or rehabilitate defective City-owned Sewer Laterals. The work under this contract, in general, consists of replacing/rehabilitating City-owned sanitary sewer laterals, obtaining private sewer lateral (PSL) certification and performing television inspections on an as-needed basis.

In October 2015, staff issued a Request for Qualifications (RFQ) for On-Call City Facilities Sanitary Sewer Laterals Repair Project Fiscal Year (FY) 2015-18 (Project No. C329152). Two (2) firms responded to the RFQ. OPW staff evaluated each RFQ submittal for compliance with the minimum qualifications. The minimum qualifications included the following:

1. Relevant experience of the prime contractor;
2. Organization, history, organizational performance, compliance with civil and criminal laws;
3. Ability to return mandatory compliance Schedules as requested by the RFQ; and

Item: _____
Public Works Committee
February 23, 2016

4. Bonding capacity letter signed by a surety company.

A pre-qualification process was utilized in accordance with Oakland Municipal Code (OMC) Chapter 2.04.045. Both responding firms, Mosto Construction and Roto-Rooter, are qualified to provide on-call City facilities sanitary sewer laterals repair services. The two firms have the technical expertise to perform the work required, and clearly demonstrated their understanding of the technical complexities and regulatory issues.

The contracts will be managed by the Public Works Department (OPW), Bureau of Engineering and Construction. As each project arises, staff will obtain competitive bids from each contractor and will award the work to the lowest responsible, responsive bidder in accordance with OMC section 2.04.045. All firms do meet the requirements for L/SLBE program participation.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will authorize the City Administrator or designee to execute on-call construction contracts for the City Facilities sanitary sewer laterals repair. The two contractors meet the minimum qualification of the RFQ. Both contractors will be required to meet or exceed the City's Local/Small Local Business Enterprise (L/SLBE) program requirements and will be compliant with the City's Equal Benefits Ordinance. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in **Attachment A**.

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 City-owned pipe conditions and reduce sanitary sewer overflows.

FISCAL IMPACT

Each contract will be for an amount not to exceed \$1,000,000.00 over the three-year period from FY2015-16 to FY2017-18. The total contract amount for the two (2) firms totals \$2,000,000.00 for the contract period.

A total of \$1,750,000.00 is available in the FY2015-17 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Account 57417 Sewers, and in the On-Call City Facilities Sanitary Sewer Laterals Repair project C329152. A total of \$250,000.00 will be set aside in the FY2017-18 Capital Improvement Budget contingent upon the availability of funding.

The project goal is to improve sewer lateral pipe conditions, reduce maintenance cost, and help comply with regulation requirements.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Mosto Construction from a previously completed project is satisfactory and is included as **Attachment B**. Roto-Rooter has not performed any work in Oakland since the evaluation program was initiated. Therefore, there is not any Contractor Performance Evaluation for Roto-Rooter.

PUBLIC OUTREACH / INTEREST

The City's web-based procurement system iSupplier was utilized for distribution of the RFQ. The RFQ was also formally advertised in two newspapers: The Oakland Tribune and San Francisco Chronicle. Work will be coordinated with facilities services.

COORDINATION

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

SUSTAINABLE OPPORTUNITIES

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

Environmental: Replacing sanitary sewers laterals will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay.

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

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding Construction Contracts In An Amount Not To Exceed One Million Dollars (\$1,000,000.00) Each With 1) Mosto Construction And 2) Roto-Rooter For On-Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18 (Project No. C329152) Over A Period Of Three Years.

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

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

Reviewed by:
Michael J. Neary, Assistant Director
Bureau of Engineering & Construction

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

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

Attachments (2):

- A: Contracts & Compliance Unit Compliance Evaluation*
- B: Contractor Performance Evaluation*

Attachment A

**On-Call City Facilities Sanitary Sewers Laterals Repair Project FY 2015-18
(Project No. C329152)**

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: David Ng
CIP Coordinator

FROM: Deborah Barnes, Director *DB*
Contracts and Compliance

SUBJECT: Compliance Analysis
RFQ On Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-2018
Project No. C329152

DATE: January 19, 2016

City Administrator's Office, Contracts and Compliance Unit conducted compliance reviewed two (2) proposals 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. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name SLBE/VSLBE/LPG Certified Firms	Original Bid Amount	Total LBE/ SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points	Oakland Workforce Preference points	
Mosto Construction	NA	91.00%	0.00%	90.00%	1.00% *2.00%	92.00%	5 points	1.5 pts.	0 pts.	Y
Roto Rooter	NA	51.50%	5.00%	44.00%	2.50% *5.00%	54.00%	2 points	NA	0 pts	N

Comments: As noted above, both firms met or exceeded the minimum 50% L/SLBE participation requirement. Mosto Construction and Roto Rooter's VSLBE participation value is 1.00% and 2.50% respectively. However, per the L/SLBE Program a VSLBE's participation is double counted towards meeting the requirement. Therefore Mosto Construction VSLBE value is 2.00% and Roto Rooter's VSLBE value is 5.00%.

Roto Rooter is not EBO compliant. They will have to come into compliance prior to contract execution.

Should you have questions or need additional information, please contact Vivian Inman, Contract Compliance Officer at (510) 238-6261.

CONTRACTS AND COMPLIANCE

Compliance Division



PROJECT COMPLIANCE EVALUATION FOR :

PROJECT NO C329152

RE:

RFQ on Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18

CONSULTANT/CONTRACTOR: Mosto Construction

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under Engineer's Estimate

NA

Bid discounted amount:

N/A

Preference Points:

5 points

1. Did the 50% local/small local requirement apply: **YES**
2. Did the contractor meet the 50% requirement **YES**
- a) % of LBE participation **0%**
 - b) % of SLBE participation **90%**
 - c) % of VSLBE participation **1%** **(2% double counted value)**
3. Did the contractor receive bid discount/preference points? **YES**
- (If yes, list the points received) **5 points**

4. Additional Comments.

****Proposed VSLBE participation is valued at 1% however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 2%.**

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

1/19/2016

Date

Reviewing Officer:

Vijai Kumar

Date: 1/19/2016

Approved By:

Shelley Darenburg

Date: 1/19/2016

LBE/SLBE Participation Mosto Construction

Project Name: **RFQ on Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18**

Project No.: C329152		Engineer's Estimate			Under/Over Engineers Estimate:				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE/LPG *double counted value	Total LBE/SLBE %	Total Percentages	Ethn	MBE	WBE	
PRIME Landscaping Trucking	Mosto Construction	Oakland	CB		90%		90%	90%	H	90%		
	R&B Company	San Jose	UB					9%	NL			
	Monroe Trucking	Oakland	CB			1%	1%	1%	AA	1%		
Project Totals				0%	90%	1%	91%	100%		91%	0%	
Requirements: The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.									Ethnicity AA = African American A = Asian C = Caucasian 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							

****Proposed VSLBE participation is valued at 1% however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentages are reflected on the evaluation form and cover memo.**



CONTRACTS AND COMPLIANCE

Compliance Division

PROJECT COMPLIANCE EVALUATION FOR :

PROJECT NO C329152

RE: RFQ on Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18

CONSULTANT/CONTRACTOR: Roto Rooter

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u>
NA	NA	<u>Engineer's Estimate</u>
		NA
<u>Bid discounted amount:</u>	<u>Preference Points:</u>	
N/A	2 points	

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
 - a) % of LBE participation **5.00%**
 - b) % of SLBE participation **44.00%**
 - c) % of VSLBE participation **2.50%** **(5% double counted value)**
- 3. Did the contractor receive bid discount/preference points? **YES**
(If yes, list the points received **2 points**)

5. Additional Comments.

****Proposed VSLBE participation is valued at 2.5% however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 5%.**

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

1/19/2016
Date

Reviewing Officer:

Vincent...

Date: 1/19/2016

Approved By:

Shelley...

Date: 1/19/2016

Roto Rooter

Project Name: **RFQ on Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18**

Project No.: C329152		Engineer's Estimate					Under/Over Engineers Estimate				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE/LPG *double counted value	Total LBE/SLBE %	Total Percentages	For Tracking Only		
									Ethn	MBE	WBE
PRIME	Roto Rooter	Hayward	UB					47.25%	C		
Asphalt	Gallagher & Burk	Oakland	CB			2.50%	2.50%	2.50%	C		
Clay Pipe	Mission Clay	Oakland	UB					1.25%	C		
Paving, asphalt	AJW Construction	Oakland	CB		44.00%		44.00%	44.00%	H	44.00%	
HDPE Pipe	Pace Plumbing Supply	Oakland	CB	5.00%			5.00%	5.00%	C		
Project Totals				5.00%	44.00%	2.50%	51.50%	100.00%		44.00%	0.00%
Requirements: The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted								Ethnicity AA = African American A = Asian C = Caucasian 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							

****Proposed VSLBE participation is valued at 2.5% however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentages are reflected on the evaluation form and cover memo.**

Attachment B

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

Project Number/Title: C470710 - Repair of stair paths 91 & 92 - Locarno Way
Work Order Number (if applicable): _____
Contractor: Mosto Construction
Date of Notice to Proceed: 3-12-15
Date of Notice of Completion: 6-17-15
Date of Notice of Final Completion: 7-16-15
Contract Amount: \$204,300.
Evaluator Name and Title: Jeff Krohn

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

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

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

TIMELINESS

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	N/A <input checked="" 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	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"/>	

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	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 type="checkbox"/>	3 <input checked="" 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 | <u>3</u> | X 0.25 = | <u>0.75</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>0.5</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>0.4</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>0.3</u> |
| 5. Enter Overall score from Question 28 | <u>3</u> | X 0.15 = | <u>0.45</u> |

TOTAL SCORE (Sum of 1 through 5): 2.4

OVERALL RATING: 2.4

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.

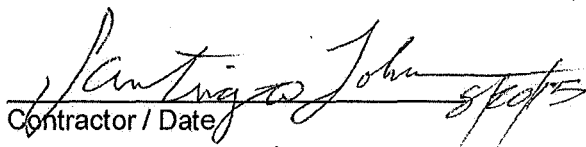
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

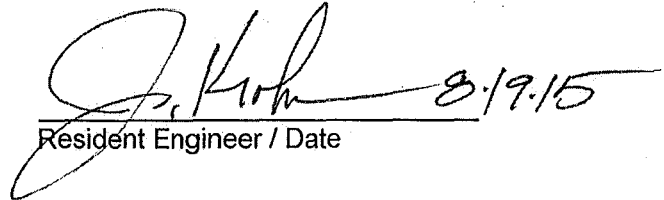
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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

 8/19/15
Resident Engineer / Date

 9/11/15
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 ADMINISTRATOR PURCHASING AUTHORITY CHECKLIST

Purchasing Ordinance, OMC Chapter 2.04

PROJECT INFO: C267630 - Request For Proposals for Pump Station Improvements

Purchasing Authority (OMC §2.04.020.A). If "NO" is indicated for all questions in the *Type of Purchase* section or the Council has approved this contract expenditure in an Appropriation Resolution, the City Administrator's authority to award and execute this contract without Council action is:

- \$100,000 for purchase of goods, materials, supplies, equipment, construction labor & materials and services (includes non-professional, professional, technical, and scientific services).

Limited Purchase Authority (OMC §2.04.020.B). If "YES" is indicated for any of the questions in the *Type of Purchase* section and Council has not approved this expenditure in an Appropriation Resolution, the City Administrator's authority to award and execute this contract without Council action is:

- \$50,000 for purchase of goods, materials, supplies, equipment, construction labor & materials, and non-professional/technical/scientific services; and
- \$15,000 for purchase of professional, technical or scientific services.

Loans, Grants, Development Agreements (e.g., Development and Disposition Agreements, Exclusive Negotiating Agreements, etc.), Real Estate Agreements (Leasing, Sales or Acquisition of Real Property). The Purchasing Ordinance does not establish any City Administrator authority to award or execute these types of agreements. Such authority is contained in the Oakland Charter and separate legislation. Consult the City Attorney's Office for guidance.

Type of Purchase (OMC §2.04.020.B.1)

Check the applicable boxes.

This purchase is not related to a program or project that is identified in the current CIP or operating budget.

YES (not in either budget)

NO (is in CIP/ Operating budget)

Is this purchase for services or supplies related to affordable housing projects?

YES NO

Is or will this purchase be paid for, directly or indirectly, with Redevelopment Agency funds?

YES NO

Is or will this purchase be paid for, directly or indirectly, with voter-approved measure funds?

YES NO

Is this purchase for technological, computer or computerized system services, software, equipment, hardware or products?

YES NO

Appropriation Resolution (OMC §2.04.020.B.3)

This Purchase was approved in Appropriation Resolution No. 84741 C.M.S., attached.

YES NO

(Includes: 1) description of material/service; 2) contract amount; 3) funding source; 4) estimated time for execution and completion of work; 5) statement whether the program/project supported by work is "new" or "previously existing.")

Competitive Selection/Award Process: Request for Proposals or Bid

The contractor or vendor was selected through a competitive process.

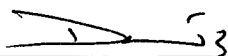
YES NO

Or, advertising and bidding or request for proposal/qualification (RFP/RFQ) was waived by Council in Resolution No. _____ C.M.S., attached.

YES NO

Completed by:

David Ng



1/6/2016

City Project Manager Name

Signature

Date

SCHEDULE M, Part B INDEPENDENT CONTRACTOR QUESTIONNAIRE

(mandatory for only Professional agreements \$5K and over)

PROJECT INFO: C267630 - RFP for Pump Station Improvements

CONTRACTOR: Schaaf & Wheeler Consulting Civil Engineers

SSN# or Corporate Taxpayer ID# :

This document supplements Schedule M, Part A and is to be completed by the department requesting the contract. Please answer 'Yes' or 'No' to each question. The word "contract" refers to either construction or professional services for the project listed above.

1. Briefly describe the work to be performed by the Contractor. Engineering consultant will provide design and preparation of contract documents (Plans, Engineering Estimates, & Specifications) to upgrade the existing six (6) sanitary sewer pump stations. The services may include but is not limited to code analysis, facilitating stakeholder meetings, permit applications, design development, construction documents, cost estimating and construction support.
2. Will this contract require the Contractor to personally perform all services or will the Contractor have the option of assigning duties to his or her own employees or assistants? Based on negotiated work order.
3. Do you intend to give the Contractor instructions on how to do the work under the contract? No.
If yes, briefly describe the extent to which you are planning to supervise or oversee the work of the Contractor. _____
4. Will the Contractor's work end because this is a finite project or will it end because there are not funds to support the continuation of the Contractor's work beyond a date certain? Will end.
5. Describe the extent to which the Contractor will work on or at City facilities or sites (rather than in the Contractor's own offices). NA
6. Are all services to be performed by the Contractor clearly distinguishable from the duties performed by any employee in any City of Oakland job classification? Yes
7. If your response to No. 6 is "No", identify job classifications having material duties which are similar. (Verify with OPRM if uncertain.) _____
8. Will the Contractor be paid on an hourly basis? If yes, please state the amount per hour. Depends upon negotiated work scope.
9. Will the Contractor be paid on a total project basis? And, if the Contractor will be paid on a basis other than hourly or by total project basis, please describe. Depends upon negotiated work scope.
10. Over how long a period of time will services under this contract be performed? Depends upon negotiated work scope.
11. Will the services require the Contractor's full-time attention for any given day (6 or more hours) or given week (30 or more hours) during the duration of the contract? If yes, please indicate the approximate amount of time. Depends upon negotiated work scope.
12. Describe the extent to which the City is requiring the Contractor to perform the services on fixed days of the week or at fixed hours. Depends upon negotiated work scope.
13. Will the Contractor be asked to keep hourly records and report time spent on the project by the hour or portions thereof? Depends upon negotiated work scope.
14. Will the Contractor be reimbursed or expect reimbursement for expenses incurred in the performance of this contract? Depends upon negotiated work scope.

15. Is the City expecting the Contractor to put in a minimum number of hours per week on the project?
Depends upon negotiated work scope.
16. Will the Contractor be expected to attend meetings scheduled by the City? If so, describe the type and frequency of meetings. Depends upon negotiated work scope.
17. Is there is a reason why the City cannot or should not employ the person as a temporary civil-service-exempt employee? If there is such a reason, briefly explain below: NA

I verify that the responses above are true and correct to the best of my knowledge.

David Ng

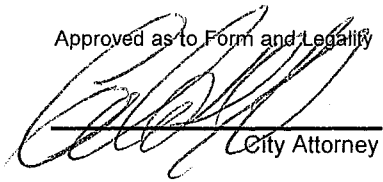


1/6/2016

City Project Manager Name

Signature

Date



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING CONSTRUCTION CONTRACTS IN AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000.00) EACH WITH 1) MOSTO CONSTRUCTION AND 2) ROTO-ROOTER FOR ON-CALL CITY FACILITIES SANITARY SEWER LATERALS REPAIR PROJECT FISCAL YEAR 2015-18 (PROJECT NO. C329152) OVER A PERIOD OF THREE YEARS

WHEREAS, in accordance with the 2014 Consent Decree, Oakland is required to inspect and, where necessary, repair or rehabilitate defective City owned Sewer Laterals. The work under this contract, in general, consists of replacing/rehabilitating City-owned sanitary sewer laterals, obtaining EBMUD private sewer lateral (PSL) certification and performing television inspections on an as-needed basis; and

WHEREAS, on October 8, 2015, the City issued a Request For Qualifications for On-Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18 (Project No. C329152); and

WHEREAS, on November 19, 2015, two (2) firms responded to the Request For Qualifications (RFQ) for On-Call City Facilities Sanitary Sewer Laterals Repair Project; and

WHEREAS, unscheduled construction projects will occur throughout the three-year contract period and will likely require on-call construction services; and

WHEREAS, as each project arises, the City will obtain competitive bids from each contractor and will award the work to the lowest responsible, responsive bidder in accordance with OMC Chapter 2.04.045; and

WHEREAS, the City conducted a pre-qualification process in accordance with Oakland Municipal Code Chapter (OMC) 2.04.045; and

WHEREAS, the two contractors meet the requirements of OMC Chapter 2.04.045(a) for pre-qualification for On-Call City Facilities Sanitary Sewer Laterals Repair Project; and

WHEREAS, a total of \$1,750,000.00 is available in the FY2015-17 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Account 57417 Sewers, and in the On-Call City Facilities Sanitary Sewer Laterals Repair project C329152. A total of \$250,000.00 will be set aside in the FY2017-18 Capital Improvement Budget contingent upon the availability of funding. 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

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OAKLAND
2015 FEB 10 PM 12:15

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, Mosto Construction and Roto-Rooter will be complied 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 or designee is authorized to execute two construction contracts in an amount not to exceed one million dollars (\$1,000,000.00) each with 1) Mosto Construction and 2) Roto-Rooter for On-Call City Facilities Sanitary Sewer Laterals Repair Project FY 2015-18 (Project No. C329152) and in accordance with plans and specifications for the Project and contractor's bid dated November 19, 2015; and be it

FURTHER RESOLVED: That the contractor shall provide performance and payment bonds for 100% of the value of the work assignment prior to the commencement of any work under its on-call construction contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Mosto Construction and Roto-Rooter 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 plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

IOES -

BSSENT -

BSTENTION -

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