

**CITY OF OAKLAND**  
**AGENDA REPORT**

2010 OCT 14 PM 2:10

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: October 26, 2010

RE: **Resolution Awarding A Construction Contract To Mosto Construction For The Rehabilitation Of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and On Mandana Boulevard (Project No. C329118), In The Amount Of One Hundred Ninety-Seven Thousand Seven Hundred Seventy-One Dollars (\$197,771.00)**

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**SUMMARY**

A resolution has been prepared awarding a construction contract in the amount of \$197,771.00 to Mosto Construction for the Rehabilitation of Sanitary Sewers in the Easement by Doncaster Place and by Colton Boulevard and on Mandana Boulevard (Project No. C329118). 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 2 and 4 as shown in *Attachment A*.

**FISCAL IMPACT**

Approval of this resolution will authorize the City Administrator to award a construction contract to Mosto Construction in the amount of \$197,771.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C329118; \$197,771.00.

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

**BACKGROUND**

On August 12, 2010, the City Clerk received three bids for this project in the amounts of \$197,771.00, \$315,687.00 and \$325,547.00 as shown in *Attachment B*. Mosto Construction is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$244,420.00.

Item: \_\_\_\_\_  
Public Works Committee  
October 26, 2010

Under the proposed contract with Mosto Construction, the dollar amount of the LBE/SLBE participation is \$197,771.00, which exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$2,500.00 (100%) for trucking exceeding the 20% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin in December 2010 and should be completed by February 2011. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 35 working days. The project schedule is shown in *Attachment B*.

### **PROJECT DESCRIPTION**

In general, the proposed work consists of replacing 1,633 linear feet of sewer mains by pipe expanding, installing 28 linear feet of new sanitary sewer pipes by open trench, rehabilitating house connection sewers; reconnecting house connection sewers; and other ancillary work as indicated on the plans and specifications.

### **EVALUATION OF PAST PERFORMANCE**

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

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractor is verified by the Social Equity Division of the Department of Contracting and Purchasing 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:** The replacement of the sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

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

**DISABILITY AND SENIOR CITIZEN ACCESS**

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


**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to Mosto Construction, the lowest responsive responsible bidder, in the amount of \$197,771.00 for the Rehabilitation of Sanitary Sewers in the Easement by Doncaster Place and by Colton Boulevard and on Mandana Boulevard (Project No. C329118). Mosto Construction has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

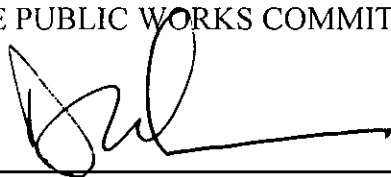
Respectfully submitted,

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

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

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

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:



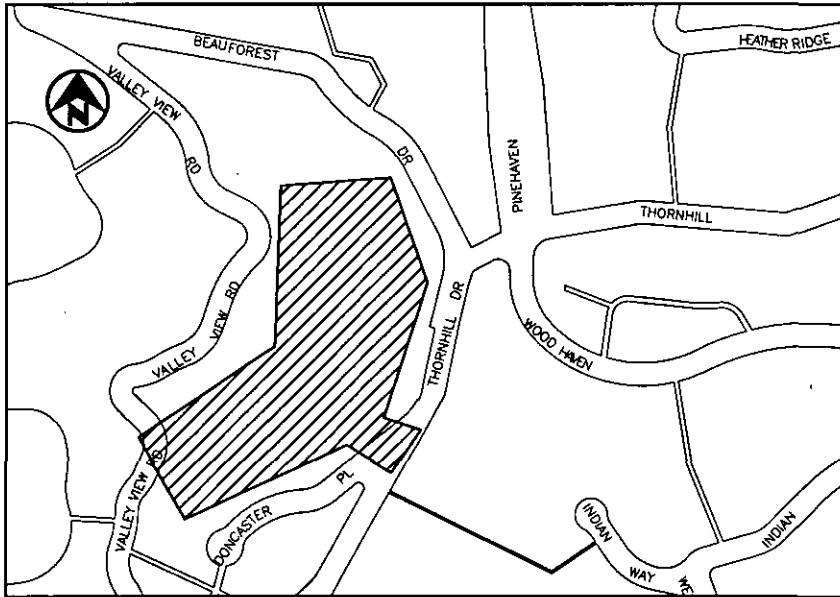
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
October 26, 2010

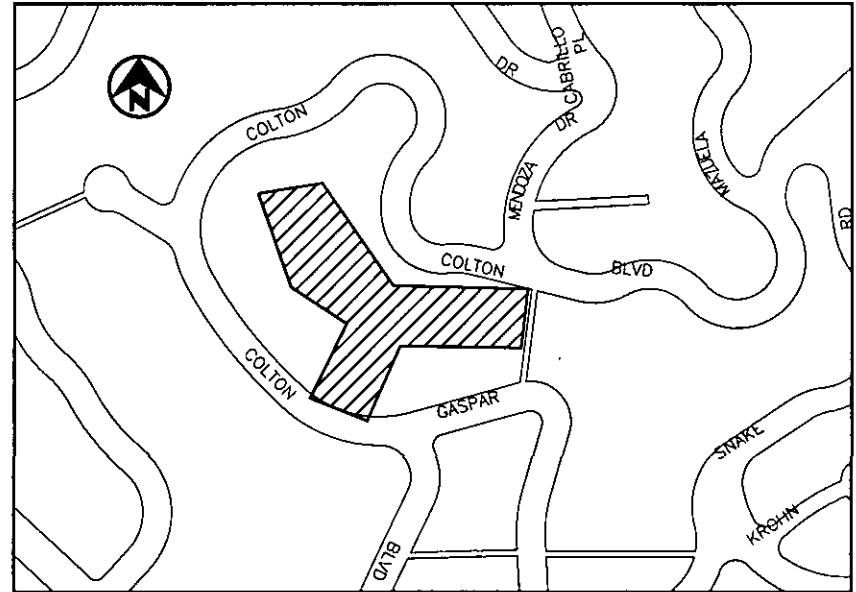
Attachment A

# PLANS FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY DONCASTER PLACE AND BY COLTON BOULEVARD AND ON MANDANA BOULEVARD

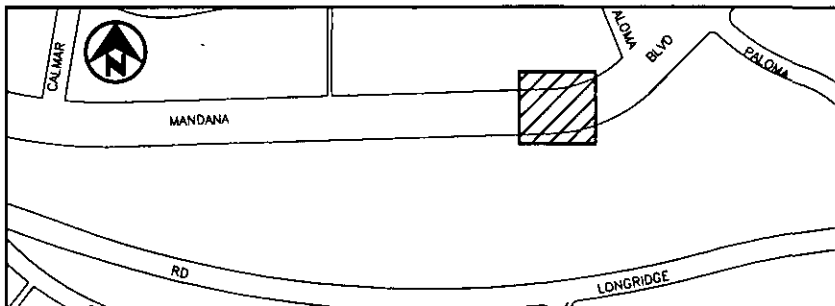
CITY PROJECT NO. C329118



PROJECT SITE A: DONCASTER PLACE



PROJECT SITE B: COLTON BLVD.



PROJECT SITE C: MANDANA BOULEVARD

## LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 



*Attachment C*



# Memo

## Department of Contracting and Purchasing

Social Equity Division

**To:** Gunawan Santoso - Project Manager  
**From:** Sophany Hang - Acting Contract Compliance Officer  
**Through:** Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*  
**CC:** Deborah Barnes - DC & P Director  
 Gwen McCormick - Contract Administration Supervisor  
**Date:** September 7, 2010  
**Re:** C329118- The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Mosto Construction	\$197,771	100%	0%	100%	100%	100%	5%	\$187,882	2%	Y
Andes Construction	\$315,687	100%	.79%	99.21%	100%	100%	5%	\$299,903	2%	Y

**Comments:** As noted above, both firms met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Empire Engineering & Construction Inc.	\$325,547	3.07%	0%	3.07%	100%	NA	NA	NA	NA	N

**Comments:** As noted above, Empire Engineering & Construction Inc. failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive. The firm is not EBO compliant. Firm may come into EBO compliance prior to full contract execution

**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: Mosto Construction**  
**Project Name: The Rehabilitation of Sanitary Sewers between Saroni and Ridgmont**  
**Project No. C329114**

**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
430	0	50%	215	100%	215	0	0	100%	65	15%	65	0

**Comments:** Mosto Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 33 on-site hours and 33 off-site hours.

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



**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C329118

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard

**CONTRACTOR:** Mosto Construction

<b><u>Engineer's Estimate:</u></b> \$244,420	<b><u>Contractors' Bid Amount</u></b> \$197,771	<b><u>Over/Under Engineer's Estimate</u></b> \$46,649
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<b><u>Discounted Bid Amount:</u></b> \$187,882	<b><u>Amount of Bid Discount</u></b> \$9,889	<b><u>Discount Points:</u></b> 5%
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1. Did the 20% requirements apply? **YES**
  
2. Did the contractor meet the 20% requirement? **YES**
  - a) % of LBE participation **0%**
  - b) % of SLBE participation **100%**
  
3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation **100%**
  
4. Did the contractor receive bid discounts? **YES**

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

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

9/7/2010

Date

**Reviewing  
Officer:**

Stephany Hays

**Date:** 9/7/10

**Approved By:**

Shelley Baransky

**Date:** 9/7/10

# LBE/SLBE PARTICIPATION

## BIDDER 1

Project Name: **The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard**

Project No.: C329118		Engineers Est: 244,420				Under/Over Engineers Estimate:				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Trucking	Mosto Construction	Oakland	CB		195,271	195,271			195,271	H	195,271	
	Monroe Brooks	Oakland	CB		2,500	2,500	2,500	2,500	2,500	AA	2,500	
<b>Project Totals</b>				\$0	\$197,771	\$197,771	\$2,500	\$2,500	\$197,771		\$197,771	\$0
				0%	100%	100%	100%	100%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>Total L/SLBE %</b>	<b>20% LBE/SLBE TRUCKING</b>			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C329118

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard

**CONTRACTOR:** Andes Construction

<b>Engineer's Estimate:</b> \$244,420	<b>Contractors' Bid Amount</b> \$315,687	<b>Over/Under Engineer's Estimate</b> -\$71,267
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<b>Discounted Bid Amount:</b> \$299,903	<b>Amount of Bid Discount</b> \$15,784	<b>Discount Points:</b> 5%
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1. Did the 20% requirements apply? **YES**
  
2. Did the contractor meet the 20% requirement? **YES**
  - a) % of LBE participation **0.79%**
  - b) % of SLBE participation **99.21%**
  
3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation. **100%**
  
4. Did the contractor receive bid discounts? **YES**

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

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

9/7/2010

Date

**Reviewing  
Officer:**

Sophy Hung

**Date:**

9/7/10

**Approved By:**

Shelley Darenobing

**Date:**

9/7/10

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard

Project No.: C329118		Engineers Est: 244,420				Under/Over Engineers Estimate:				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Trucking Saw Cutting	Andes Construction	Oakland	CB		310,687	310,687			310,687	H	310,687	
	Irving Trucking	Oakland	CB		2,500	2,500	2,500	2,500	2,500	AA	2,500	
	Bay Line	Oakland	CB	2,500		2,500			2,500	H	2,500	
<b>Project Totals</b>				\$2,500	\$313,187	\$315,687	\$2,500	\$2,500	\$315,687		\$315,687	\$0
				0.79%	99.21%	100%	100%	100%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE %	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C329118

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana

**CONTRACTOR:** Empire Engineering & Construction Inc.

<b><u>Engineer's Estimate:</u></b> \$244,420	<b><u>Contractors' Bid Amount</u></b> \$325,547	<b><u>Over/Under Engineer's Estimate</u></b> -\$81,127
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<b><u>Discounted Bid Amount:</u></b> \$0	<b><u>Amount of Bid Discount</u></b> \$0	<b><u>Discount Points:</u></b> 0%
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- 1. Did the 20% requirements apply? **YES**
  
- 2. Did the contractor meet the 20% requirement? **NO**
  - a) % of LBE participation **0%**
  - b) % of SLBE participation **3.07%**
  
- 3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation **100%**
  
- 4. Did the contractor receive bid discounts? **NO**
  - (If yes, list the percentage received) **0%**

5. Additional Comments.

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

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

**9/7/2010**

Date

**Reviewing Officer:**

Stephan Hays

**Date:**

9/7/10

**Approved By:**

Shelley Barenburg

**Date:**

9/7/10

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: The Rehabilitation of Sanitary Sewers in the Easement By Doncaster Place and By Colton Boulevard and on Mandana Boulevard

Project No.: C329118		Engineers Est: 244,420				Under/Over Engineers Estimate:				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
										PRIME	Empire Engineering & Construction Inc.	Oakland
Trucking	Camese Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	AA	\$10,000	
Pipe	Tric Breaking Tradition	Oakland							43,010	NL		
<b>Project Totals</b>				\$0	\$10,000	\$10,000	\$10,000	\$10,000	\$325,547		\$282,537	\$0
				0.00%	3.07%	3.07%	100%	100%	100%		86.79%	0.00%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE %	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

*Attachment D*

**Schedule L-2  
City of Oakland  
Community & Economic Development Agency  
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C282892-The Rehabilitation of Sanitary Sewers in Jean Street and Santa Clara Avenue and in the easement between Hood Street and Malcolm Avenue.

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

Contractor: Mosto Construction

Date of Notice to Proceed: 11/29/2009

Date of Notice of Completion: 5/4/2010

Date of Notice of Final Completion: 5/4/2010

Contract Amount: \$261,434.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

**ASSESSMENT GUIDELINES:**

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



**WORK PERFORMANCE**

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**TIMELINESS**

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

**FINANCIAL**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?  Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	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"/>	

**COMMUNICATION**

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

## OVERALL RATING

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

1. Enter Overall score from Question 7       2   X 0.25 =   0.5
2. Enter Overall score from Question 13     2   X 0.25 =   0.5
3. Enter Overall score from Question 18     2   X 0.20 =   0.4
4. Enter Overall score from Question 22     2   X 0.15 =   0.3
5. Enter Overall score from Question 28     2   X 0.15 =   0.3

**TOTAL SCORE** (Sum of 1 through 5):       2  

**OVERALL RATING:**     Satisfactory

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

### PROCEDURE:

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

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

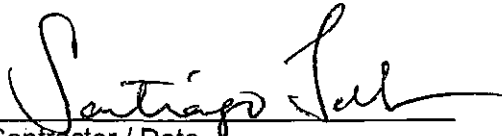
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

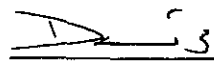
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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

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

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

  
Contractor / Date

 5/10/2010  
Resident Engineer / Date

 5/12/10  
Supervising Civil Engineer / Date

**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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

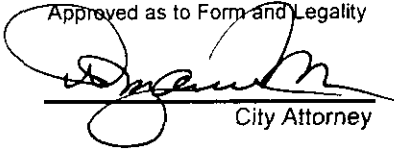
5: Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.

The Contractor cooperates very well with property owners at the 1400 block of Holman Rd. The Contractor did an excellent work to minimize any inconveniences and disruptions to the property owners.



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality  
  
City Attorney

2010 OCT 14 PM RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY DONCASTER PLACE AND BY COLTON BOULEVARD AND ON MANDANA BOULEVARD (PROJECT NO. C329118) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF ONE HUNDRED NINETY-SEVEN THOUSAND SEVEN HUNDRED SEVENTY-ONE DOLLARS (\$197,771.00)**

**WHEREAS**, on August 12, 2010, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers In The Easement By Doncaster Place and By Colton Boulevard and On Mandana Boulevard (Project No. C329118); and

**WHEREAS**, Mosto 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 in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329118; \$197,771.00; 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 Administrator has determined that the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, Mosto Construction complies with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Administrator has determined that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the construction contract for the Rehabilitation of Sanitary Sewers In The Easement By Doncaster Place and By Colton Boulevard and On Mandana Boulevard (Project No. C329118) is hereby awarded to Mosto Construction in accordance with the project plans and specifications and the contractor's bid therefore, dated August 12, 2010, for the amount of One Hundred Ninety-Seven Thousand Seven Hundred Seventy-One Dollars (\$197,771.00); and be it

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

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$197,771.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$197,771.00, with respect to such work are hereby approved; and be it

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

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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

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