

CITY OF OAKLAND

AGENDA REPORT

2007 JUL 10 PM 1:48

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Public Works Agency
DATE: July 10, 2007

RE: Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded by Shetland Avenue, Malcolm Avenue, And Scotia Avenue (Project No. C227810) For The Amount Of One Million Six Hundred Twenty-Seven Thousand Three Hundred Twenty-Seven Dollars (\$1,627,327.00)

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$1,627,327.00 to Andes Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by Shetland Avenue, Malcolm Avenue, and Scotia Avenue (Project No. C227810). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 7 and is shown on the location map in Attachment A.

It is recommended that the resolution be approved.

FISCAL IMPACT

There are sufficient funds in the project budget for the work. Funding for this project is available in the sewer service fund (3100); capital project sanitary sewer design organization (92244); sewers account (57417); rehabilitation of sanitary sewers in the area bounded by Shetland Ave, Malcolm Ave, and Scotia Ave (Project No. C227810). These funds were specifically allocated for this project.

BACKGROUND

On May 7, 2007 the City Clerk received five bids for this project in the amounts of \$1,523,747.00, \$1,627,327.00, \$1,644,891.00, \$1,745,880.00, and \$1,887,465.00, as shown in Attachment B. The lowest bidder, J.F. Pacific Liners, Inc. met the 20% L/SLBE requirement, but did not meet the City's 20% L/SLBE Trucking requirement. Andes Construction, Inc., second lowest bidder, meets the L/SLBE and trucking requirement, is deemed responsive and responsible and therefore is recommended for the award. The Engineer's estimate for the work is \$1,440,635.00.

This project will rehabilitate and upgrade the sanitary sewers within the project area and eliminate the infiltration of rain and groundwater into the sanitary sewer system; and limit the overflows and backups during wet weather.

In general, the proposed work consists of rehabilitating/replacing approximately 13,796 lineal feet of existing 8" diameter sanitary sewer pipes; rehabilitating or replacing sewer structures; reconnecting house connection sewers; and other related work as indicated on the plans and specifications.

Under the proposed contract with Andes Construction, Inc., SLBE participation of \$1,627,327.00 (100%) exceeds the City's 20% LBE/SLBE 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 L/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in *Attachment C*. The Local Employment Program/Oakland Apprenticeship Program Compliance is also included in this attachment.

### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin in August 2007 and should be completed by December 2008. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 100 working days is exceeded. The project schedule is shown in *Attachment B*.

### **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.

Environmental: The replacement of the sanitary sewers will eliminate the possibility of sewer leakage and overflows and thus prevent potential harm to 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.

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.

**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to the responsible and responsive bidder, Andes Construction, Inc. in the amount of \$1,627,327.00 for the rehabilitation of sanitary sewers in the area bounded by Shetland Ave, Malcolm Ave, and Scotia Avenue (Project No. C227810). Andes Construction, Inc. has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

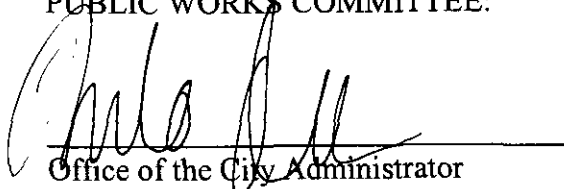


Raul Godinez II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E.  
Assistant Director, Public Works Agency  
Design & Construction Services Dept.

Prepared by:  
Yader Bermudez, P.E.  
Engineering & R.O.W. Division Manager

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



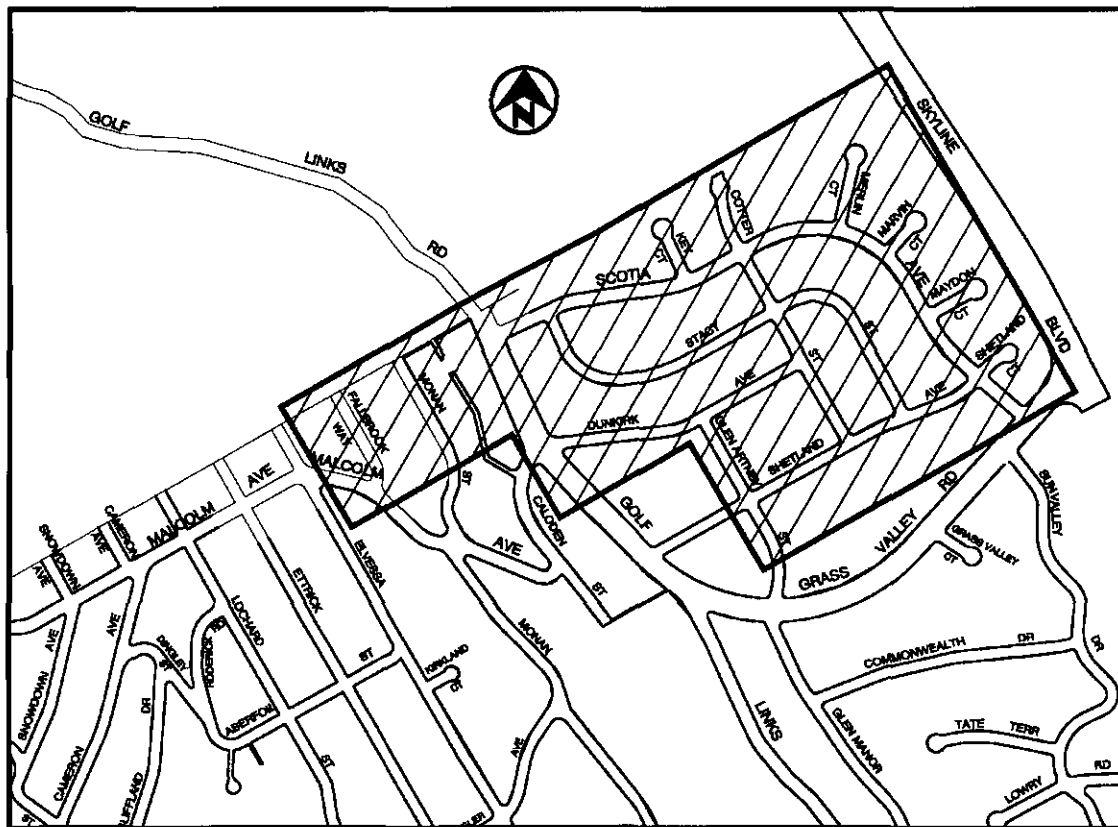
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
July 10, 2007

*Attachment A*

**PLANS FOR THE REHABILITATION OF  
SANITARY SEWERS IN AN AREA BOUNDED BY SHETLAND AVE.,  
MALCOLM AVE., AND SCOTIA AVE.  
(SUBBASIN 85-30)**

CITY PROJECT NO. C227810



LOCATION MAP  
NOT TO SCALE

LIMIT OF WORK 

**Attachment B**

**Rehabilitation of Sanitary Sewers in the Area Bounded by Shetland Ave.,  
 Malcolm Ave., and Scotia Ave.  
 (Project No. C227810)**

**List of Bidders**

Company	Proposed Participation	Location	Bid Amount
J.F. Pacific Liners, Inc.	SLBE	Vacaville	\$1,523,747.00
Andes Construction, Inc.	SLBE	Oakland	\$1,627,327.00
Pacific Trenchless, Inc.	SLBE	Oakland	\$1,644,891.00
California Trenchless, Inc.	SLBE	Hayward	\$1,745,880.00
D'Arcy & Harty Construction	SLBE	San Francisco	\$1,887,465.00

**Project Schedule**

ID	Task Name	Start	Finish	2006				2007				2008		
				Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2
1	Project No. C227810	Mon 4/3/06	Tue 12/18/07		[Gantt bar spanning from Q1 2006 to Q4 2007]									
2	Pre-Design	Mon 4/3/06	Fri 4/28/06		[Gantt bar in Q1 2006]									
3	Design	Mon 5/1/06	Fri 3/23/07		[Gantt bar from Q2 2006 to Q3 2007]									
4	Bid/Award	Mon 5/7/07	Tue 7/10/07							[Gantt bar in Q2 2007]				
5	Construction	Mon 8/6/07	Tue 12/18/07								[Gantt bar in Q4 2007]			

*Attachment C*

# Memo



Office of the City Administrator  
 Contract Compliance & Employment Services Division

To: Gwen McCormick, Supervisor, Contract Administration, PWA  
 From: Shelley Darensburg, Contract Compliance Officer  
 Through: Deborah Barnes, Manager, CC&ES Division *Deborah Barnes*  
 CC: Allen Law  
 Date: May 29, 2007  
 Re: Compliance Analysis: The Rehabilitation of Sanitary Sewers in the Area Bounded By Shetland Ave., Malcolm Ave., and Scotia Ave.  
 Project No. C227810

RECEIVED  
 CONTRACT ADMINISTRATION  
 2007 MAY 30 PM 2:54

Contract Compliance & Employment Services reviewed five (5) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

The L/SLBE findings are as follows:

	Company Name	Bid Amount (If Applicable)	Proposed Participation				Preferences			Banked Credits Eligibility?	EBO Compliant ? (Y/N)
			Total L/SLBE	LBE	SLBE	Local Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts %		
1	J.F. Pacific Liners, Inc.	\$1,523,747	43%	0%	43%	0%	0%	\$1,523,747	0%	0	N
2	Andes Construction Inc.	\$1,627,327	100%	0%	100%	100%	100%	\$1,545,961	5%	2	Y
3	Pacific Trenchless, Inc.	\$1,844,891	82%	0%	82%	100%	82%	\$1,562,646	5%	2	Y
4	California Trenchless	\$1,745,880	14%	0%	14%	0%	0%	\$1,745,880	0%	0	Y
5	D'Arcy & Harty Construction	\$1,887,465	14%	0%	14%	100%	0%	\$1,887,465	0	0	Y

As noted above, J.F. Pacific Liners, Inc., lowest bidder, exceeded the 20% L/SLBE requirement but did not meet the 20% L/SLBE Trucking requirement. Andes Construction Inc., second lowest bidder, exceeded the 20% L/SLBE and the 20% L/SLBE Trucking requirement. Pacific Trenchless, third lowest bidder exceeded the 20% L/SLBE requirement and the 20% L/SLBE Trucking requirement. California Trenchless, fourth lowest bidder, did not meet the 20% L/SLBE requirement and did not meet the 20% L/SLBE Trucking requirement. D'Arcy & Harty, fifth lowest bidder, did not meet the 20% L/SLBE Requirement but exceeded the 20% L/SLBE Trucking requirement. Per the Project Manager, trucking is substantial.

All firms are EBO compliant except J.F. Liners, Inc.

**For Informational Purposes**

**Local Employment Program/Oakland Apprenticeship Program Compliance**

J.F. Liners, lowest bidder, has no recently completed projects with the City of Oakland in the last two fiscal years.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.



**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C227810

**Project Name** Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

**Contractor:** J. F. Pacific Liners, Inc.

**Engineer's Estimate:** \$1,440,635

**Contractor's Total Bid:** \$1,523,747

**Over/Under the Engineers Estimate:** \$83,112

**Amount of Bid Adjustment** \$0

**Contractor's Adjusted Bid Amount:** \$1,523,747

1. Does the 20% L/SLBE requirement apply? YES

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

a)	% of LBE	<u>0%</u>
b)	% of SLBE	<u>43%</u>

3. Did the contractor meet the Trucking requirement? NO

a)	% of Local Trucking	<u>0%</u>
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4. Did the contractor earn bid discounts? NO  
(If yes, list percentage earned) 0%

5. Additional Comments.  
Bidder did not meet the 20% L/SLBE trucking requirement.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 5/29/2007

**Reviewing**

**Officer:** Shelley Darenburg  
**APPROVED**  
**BY:** Robert Baran

**Date:** 5/29/07  
**Date:** 5/30/07

# LBE/SLBE Participation Bidder 1

Project Name: Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

Project No.: C227810		Engineers Estimate: \$1,440,635			Under/Over Engineers Estimate: 83,112.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethnicity	MBE	WBE
PRIME Excavation	J. F. Pacific Liners, Inc.	Vacaville	UB					872,775	C		
	Mosto Construction	Oakland	CB		650,972		650,972	650,972	H	650,972	
<b>Project Totals</b>				\$0	\$650,972	\$0	\$650,972	\$1,523,747		650,972	0
				0%	43%	0%	43%	100%		43%	0%
									<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<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 firms can only be counted up to 10% of the total contract amount.				LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%				
<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							

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C227810

**Project Name:** Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

**Contractor:** Andes Construction

**Engineer's Estimate:** \$1,440,635

**Contractor's Total Bid:** \$1,627,327

**Over/Under the Engineers Estimate:** \$186,692

**Amount of Bid Adjustmer** \$81,366

**Contractor's Adjusted Bid Amount:** \$1,545,961

1. Does the 20% L/SLBE requirement apply? **YES**

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

a) % of LBE **0%**  
b) % of SLBE **100%**

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

a) % of Local Trucking **100%**

4. Did the contractor earn bid discounts? **YES**  
(If yes, list percentage earned) **5%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **5/21/2007**

**Reviewing**

**Officer:** Shelley Darenburg

**By:** Robert Barru

**Date:** 5/29/07

**Date:** 5/30/07

## LBE/SLBE Participation Bidder 2

Project Name: Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

Project No.: C227810		Engineers Estimate: \$1,440,635			Under/Over Engineers Estimate: \$186,692							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
										Ethnicity	MBE	WBE
PRIME Saw Cutting Trucking	Andes Construction	Oakland	CB		1,602,327				1,602,327	H	1,602,327	
	Bay Line	Oakland	CB		10,000				10,000	H	10,000	
	Irvin Trucking	Oakland	CB		15,000	15,000	15,000		15,000	AA	15,000	
<b>Project Totals</b>					\$0	\$15,000	\$15,000	\$1,627,327	\$1,627,327		\$1,627,327	0
				0%	100%	100%	100%	100%	100%		100%	0%
										<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<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 firms can only be counted up to 10% of the total contract amount.				LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%		LBE/SLBE 20%				
<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								

**Contract Compliance and Employment Services Evaluation Form**

**Project No.: C227810**

**Project Name** Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

**Contractor:** Pacific Trenchless, Inc.

**Engineer's Estimate:** \$1,440,635

**Contractor's Total Bid:** \$1,644,891

**Over/Under the Engineers Estimate:** \$204,256

**Amount of Bid Adjustment** \$82,245

**Contractor's Adjusted Bid Amount:** \$1,562,646

1. Does the 20% L/SLBE requirement apply? **YES**

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

a)	% of LBE	<u>0%</u>
b)	% of SLBE	<u>82%</u>

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

a)	% of Local Trucking	<u>100%</u>
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4. Did the contractor earn bid discounts? **YES**  
(If yes, list percentage earned) **5%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **5/29/2007**

**Reviewing**

**Officer:** Shelley Darenburg  
**APPROVED**  
**By:** Dermot Barnes

**Date:** 5/29/07  
**Date:** 5/30/07

## LBE/SLBE Participation Bidder 3

Project Name: Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

Project No.: C227810		Engineers Estimate: \$1,440,635			Under/Over Engineers Estimate: \$204,256							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
										Ethn	MBE	WBE
PRIME Trucking CIPP	Pacific Trenchless, Inc.	Oakland	CB		1,342,391			1,342,391	1,342,391	C		
	Royal Trucking	Oakland	CB		2,500	2,500	2,500	2,500	2,500	AA	2,500	
	Insituform Technologies	Benecia	UB						300,000	C		
<b>Project Totals</b>				\$0	\$1,344,891	\$2,500	\$2,500	\$1,344,891	\$1,644,891		\$2,500	0
				0%	82%	100%	100%	82%	100%		0.2%	0%
										<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<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 firms can only be counted up to 10% of the total contract amount.				LBE 10% MAX CREDIT		SLBE 10%		TRUCKING 20%		LBE/SLBE 20%		
<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								

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C227810

**Project Name** Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

**Contractor:** California Trenchless, Inc.

**Engineer's Estimate:** \$1,440,635

**Contractor's Total Bid:** \$1,745,880

**Over/Under the Engineers Estimate:** \$305,245

**Amount of Bid Adjustment** \$0

**Contractor's Adjusted Bid Amount:** \$1,745,880

1. Does the 20% L/SLBE requirement apply? YES

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

a) % of LBE 0%  
b) % of SLBE 14%

3. Did the contractor meet the Trucking requirement? NO

a) % of Local Trucking 0%

4. Did the contractor earn bid discounts? NO  
(If yes, list percentage earned) 0%

5. Additional Comments.

Bidder did not meet the 20% L/SLBE requirement and did not meet the 20% L/SLBE Trucking requirement.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 5/29/2007

**Reviewing**

**Officer:** Shelley Darenbury

**Date:** 5/29/07

**Approved**

**By:** Dwight Barron

**Date:** 5/30/07

## LBE/SLBE Participation Bidder 4

Project Name: Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

Project No.: C227810		Engineers Estimate: \$1,440,635			Under/Over Engineers Estimate: \$305,245								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	California Trenchless, Inc.	Hayward	UB						1,145,880	NL			
Saw Cutting	Bay Line	Oakland	CB		50,000				50,000	H	50,000		
Paving	AJW Construction	Oakland	CB		200,000				200,000	H	200,000		
CIPP Liner	Insituform	Benicia	UB						350,000	NL			
<b>Project Totals</b>					\$0	\$250,000	\$0	\$0	\$250,000	\$1,745,880		\$250,000	0
				0%	14%	0%	100%	14%	100%		14%	0%	
										<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Requirements:</b>				LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%		LBE/SLBE 20%					
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 firms can only be counted up to 10% of the total contract amount.													
<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													



**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C227810

**Project Name** Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and  
Scotia Ave

**Contractor:** D'arcy & Harty Construction

**Engineer's Estimate:** \$1,440,635

**Contractor's Total Bid:** \$1,887,465

**Over/Under the Engineers Estimate:** \$446,830

**Amount of Bid Adjustment** \$0

**Contractor's Adjusted Bid Amount:** \$1,887,465

1. Does the 20% L/SLBE requirement apply? YES

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

a)	% of LBE	<u>0%</u>
b)	% of SLBE	<u>14%</u>

3. Did the contractor meet the Trucking requirement? YES

a)	% of Local Trucking	<u>100%</u>
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4. Did the contractor earn bid discounts? NO  
(If yes, list percentage earned) 0%

5. Additional Comments.  
Bidder did not meet the minimum 20% L/SLBE requirement.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 5/29/2007

**Reviewing**

**Officer:** Shelley Darenburg

**Date:** 5/29/07

**Approved**

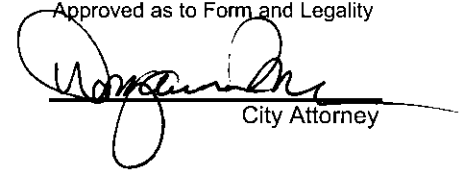
**By:** Shelley Darenburg

**Date:** 5/30/07

# LBE/SLBE Participation Bidder 5

Project Name: Rehabilitation of Sanitary Sewers in an area bounded by Shetland, Malcolm Ave and Scotia Ave

Project No.: C227810		Engineers Estimate: \$1,440,635			Under/Over Engineers Estimate: \$446,830								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only			
										Ethn	MBE	WBE	
PRIME	D'arcy & Harty Construction	Hayward	UB						1,268,895				
Trucking	Williams Trucking	Oakland	CB		55,000	55,000	55,000	55,000	55,000	AA	55,000		
Pipe Supplies	General Supply	Oakland	CB		45,000			45,000	45,000	AA	45,000		
Saw Cutting	Owens Concrete	Oakland	CB		35,000			35,000	35,000	C	35,000		
Restoration	AJW Construction	Oakland	CB		135,000			135,000	135,000	H	135,000		
CIPP	Insituform Tech	Benecia	UB						348,570	NL			
<b>Project Totals</b>					\$0	\$270,000	\$55,000	\$55,000	\$270,000	\$1,887,465		\$270,000	\$0
				0%	14%	100%	100%	14%	100%		14%	0%	
										<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Requirements:</b>				LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%		LBE/SLBE 20%					
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 firms can only be counted up to 10% of the total contract amount.													
<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									

  
City Attorney

OFFICE OF THE CITY CLERK  
**OAKLAND CITY COUNCIL**

2007 JUN 27 PM 1:19  
**RESOLUTION No. \_\_\_\_\_ C.M.S.**

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

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY SHETLAND AVENUE, MALCOLM AVENUE, AND SCOTIA AVENUE (PROJECT NO. C227810) FOR THE AMOUNT OF ONE MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$1,627,327.00)**

**WHEREAS**, on May 7, 2007, five 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 Shetland Avenue, Malcolm Avenue, and Scotia Avenue (Project No. C227810); and

**WHEREAS**, J.F. Pacific Liner, Inc., the lowest bidder did not meet the City's 20% L/SLBE Trucking requirement; and

**WHEREAS**, Andes Construction, Inc. a certified SLBE bidding as a prime, is the second lowest bidder and meets the L/SLBE and Trucking requirement and, therefore, is deemed the lowest responsive, 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 Sewer Service Fund (3100); Capital Project Sanitary Sewer Design Organization (92244); Sewers Account (57417); rehabilitation of sanitary sewers in the area bounded by Shetland Avenue, Malcolm Avenue, and Scotia Avenue (Project No. C227810) and these funds were specifically allocated for this project; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, Andes Construction, Inc. complies with all LBE/SLBE 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 services; now, therefore, be it

**RESOLVED:** That the contract for the rehabilitation of sanitary sewers in the area bounded by Shetland Avenue, Malcolm Avenue, and Scotia Avenue (Project No. C227810) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated May 7, 2007, for the amount of One Million Six Hundred Twenty-Seven Thousand Three Hundred Twenty-Seven Dollars (\$1,627,327.00) and City plans and specifications for the project; and be it

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

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$1,627,327.00, 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, \$1,627,327.00, with respect to such work are hereby approved; and be it

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

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

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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