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OFFICE OF THE CITY CLERK  
OAKLAND  
2013 AUG 29 AM 10: 29

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Brooke A. Levin  
Interim Director, PWA

SUBJECT: Rehab of Sanitary Sewers in Golf Links  
and in 57<sup>th</sup> Avenue

DATE: July 16, 2013

City Administrator  
Approval

Date

8/26/13

COUNCIL DISTRICT: 6 and 7

## RECOMMENDATION

Staff recommends that the City Council adopt the following two contract award resolutions:

- 1) Resolution Awarding A Construction Contract to Andes Construction, Inc., for the rehabilitation of sanitary sewers bounded by Golf Links Road, Encina Way and Calandria Avenue (Project No. C312810 Sub-Basin 85-012), in accord with plans and specifications for the project and contractor's bid in the amount of Two Million Two Hundred Seventy-Five Thousand Thirty-Three Dollars (\$2,275,033.00)
- 2) Resolution Awarding a Construction Contract to Andes Construction, Inc., for the rehabilitation of sanitary sewers at 57<sup>th</sup> Avenue between San Leandro Street and International Boulevard (Project No. C461810), in accord with plans and specifications for the project and contractor's bid in the amount of Three Hundred Ninety-Seven Thousand Three Hundred Five Dollars (\$397,305.00).

## OUTCOME

Approval of the two resolutions will authorize the City Administrator to execute two construction contracts with Andes Construction, Inc., in the amounts of \$2,275,033.00 and \$397,305.00 respectively. The works to be completed under these projects are part of the City's annual Sanitary Sewer Rehabilitation program. The projects are located in Council Districts 6 and 7 as shown in *Attachment A1 and A2*.

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Public Works Committee  
September 10, 2013

**BACKGROUND/LEGISLATIVE HISTORY**

1. **Resolution Awarding a Construction Contract to Andes Construction, Inc., for the Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Project No. C312810 Sub-Basin 85-012):** the proposed work consists, in general, of the rehabilitation of 17,555 linear feet of existing sanitary sewer pipes by pipe-expanding method; rehabilitating sewer structures; reconnecting house connecting sewers; and other work specifically shown on the project plans or included in the Special Provisions.

On June 13, 2013, the City Clerk received three bids for this project in the amount of \$2,275,033.00, \$2,671,238.00 and \$3,123,653.00 as shown in *Attachment B*. Andes Construction, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$2,399,230.00.

Company	Bid Amount
Andes Construction, Inc.	\$2,275,033.00
Engineer's Estimate	\$2,399,230.00
Pacific Trenchless, Inc.	\$2,671,238.00
J. Howard Engineering, Inc.	\$3,123,653.00

2. **Resolution Awarding a Construction Contract to Andes Construction, Inc., for the Rehabilitation of Sanitary Sewers at 57<sup>th</sup> Avenue between San Leandro Street and International Boulevard (Project No. C461810):** the proposed work consists, in general, of the rehabilitation of 2,649 linear feet of existing sanitary sewer pipes by pipe-expanding method; rehabilitating sewer structures; reconnecting house connecting sewers; and other work specifically shown on the project plans or included in the Special Provisions.

On June 20, 2013, the City Clerk received three bids for this project in the amount of \$397,305.00, \$412,405.00 and \$423,301.00 as shown in *Attachment B*. Andes Construction, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$493,680.00.

Company	Bid Amount
Andes Construction, Inc.	\$397,305.00
J. Howard Engineering, Inc.	\$412,405.00
Pacific Trenchless, Inc.	\$423,301.00
Engineer's Estimate	\$493,680.00

**ANALYSIS**

Adoption of these resolutions will allow the City Administrator or her designee to execute two construction contracts with Andes Construction, Inc. for sewer rehabilitation at various locations as follows:

1. **Resolution Awarding a Construction Contract to Andes Construction, Inc., for the Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Project No. C312810 Sub-Basin 85-012):** Under the proposed contract with Andes Construction, Inc., Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 95.04%, which exceeds the City's 50% LBE/SLBE requirement. The contractor shows 100% participation for trucking. 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 CI*.

Construction is scheduled to begin in October 2013 and should be completed by May 2014. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 150 working days. The project schedule is shown in *Attachment B*.

2. **Resolution Awarding a Construction Contract to Andes Construction, Inc., for the Rehabilitation of Sanitary Sewers at 57<sup>th</sup> Avenue between San Leandro Street and International Boulevard (Project No. C461810):** Under the proposed contract with Andes Construction, Inc., Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 92.41%, which exceeds the City's 50% LBE/SLBE requirement. The contractor shows 100% participation for trucking. 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 C2*.

Construction is scheduled to begin in October 2013 and should be completed by February 2014. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 55 working days. The project schedule is shown in *Attachment B*.

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer flows during storm events. These projects are part of the City's program to prevent sanitary sewer overflows, improve pipe conditions and reduce wet weather peak flows into the sanitary sewer system. Staff has reviewed the submitted bids for the works and has determined that the bids are reasonable for the current construction climate.

### PUBLIC OUTREACH/INTEREST

The project area improvement and merchants associations have been notified in writing about these projects. They will again be notified individually prior to construction. Residents and businesses on streets where construction will take place will be notified directly.

### COORDINATION

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

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

### COST SUMMARY/IMPLICATIONS

Approval of the two resolutions will authorize the City Administrator to execute construction contracts with Andes Construction, Inc. in the amount of \$2,275,033.00 and \$397,305.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

PROJECT DESCRIPTION	AMOUNT
Rehabilitation of sanitary sewers bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012) (Project No. C312810)	\$2,275,033.00
Rehabilitation of Sanitary Sewers at 57 <sup>th</sup> Avenue between San Leandro Street and Intemational Boulevard (Project No. C461810)	\$397,305.00

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2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$2,672,338.00
3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C312810	\$2,275,033.00
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C461810	\$397,305.00

4. FISCAL IMPACT:

Approval of the two resolutions will authorize the City Administrator to execute construction contracts in the amount of \$2,275,033.00 and \$397,305.00. These projects will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area, and reduce ongoing maintenance costs.

#### PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

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

#### SUSTAINABLE OPPORTUNITIES

**Economic:** The contractor is 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 contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in dollars being spent locally.

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

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

Respectfully submitted,



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BROOKE A. LEVIN  
Interim Director, Public Works Agency

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

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

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

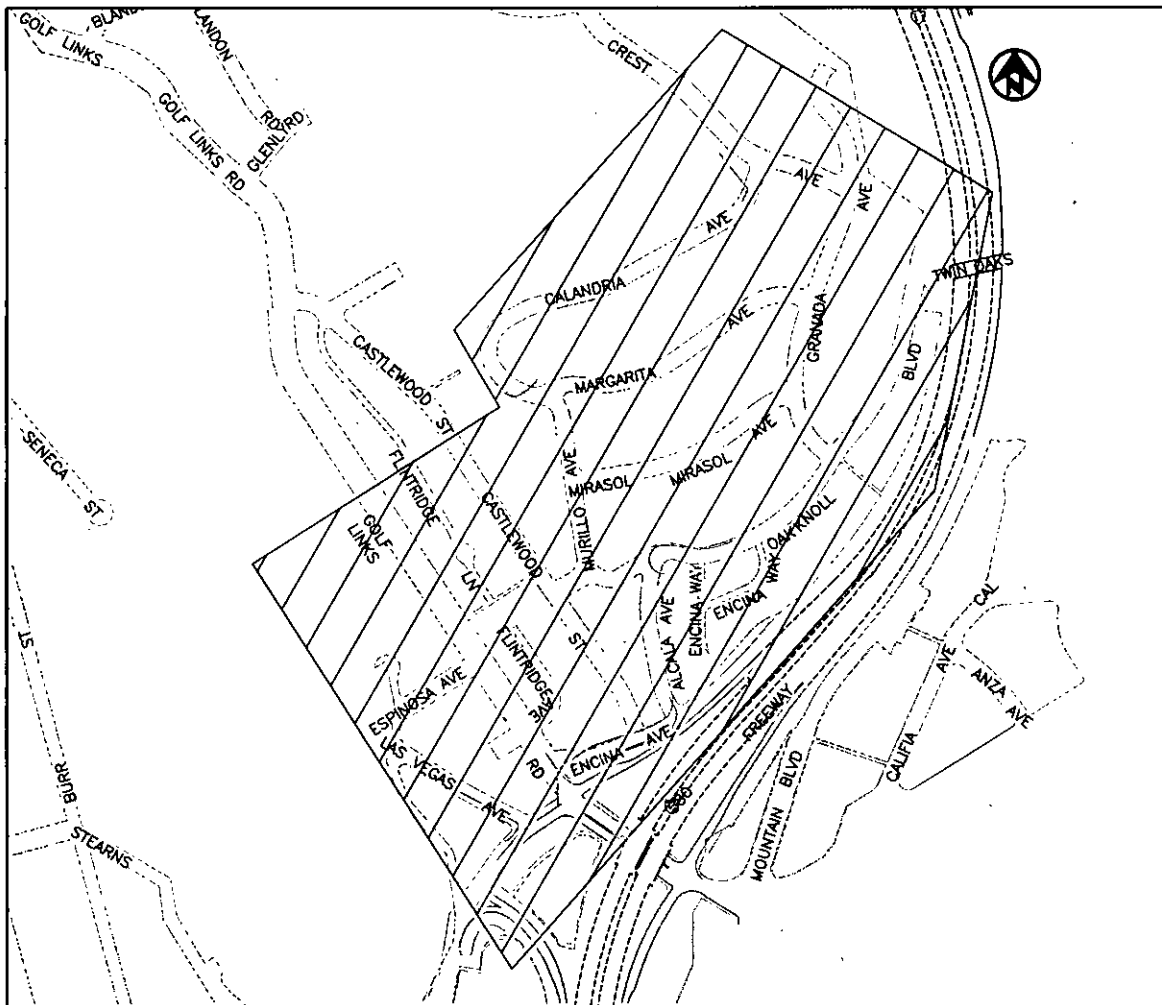
Attachments:

- Attachment A1 and A2 – Project Location Maps
- Attachment B – Project Construction Schedule
- Attachment C1 and C2 – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Performance Evaluation

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ATTACHMENT A1  
REHABILITATION OF SANITARY SEWERS  
IN THE AREA BOUNDED BY GOLF LINKS ROAD,  
ENCINA WAY AND CALANDRIA AVE.  
(SUB-BASIN 85-012)

CITY PROJECT NO. C312810



LOCATION MAP

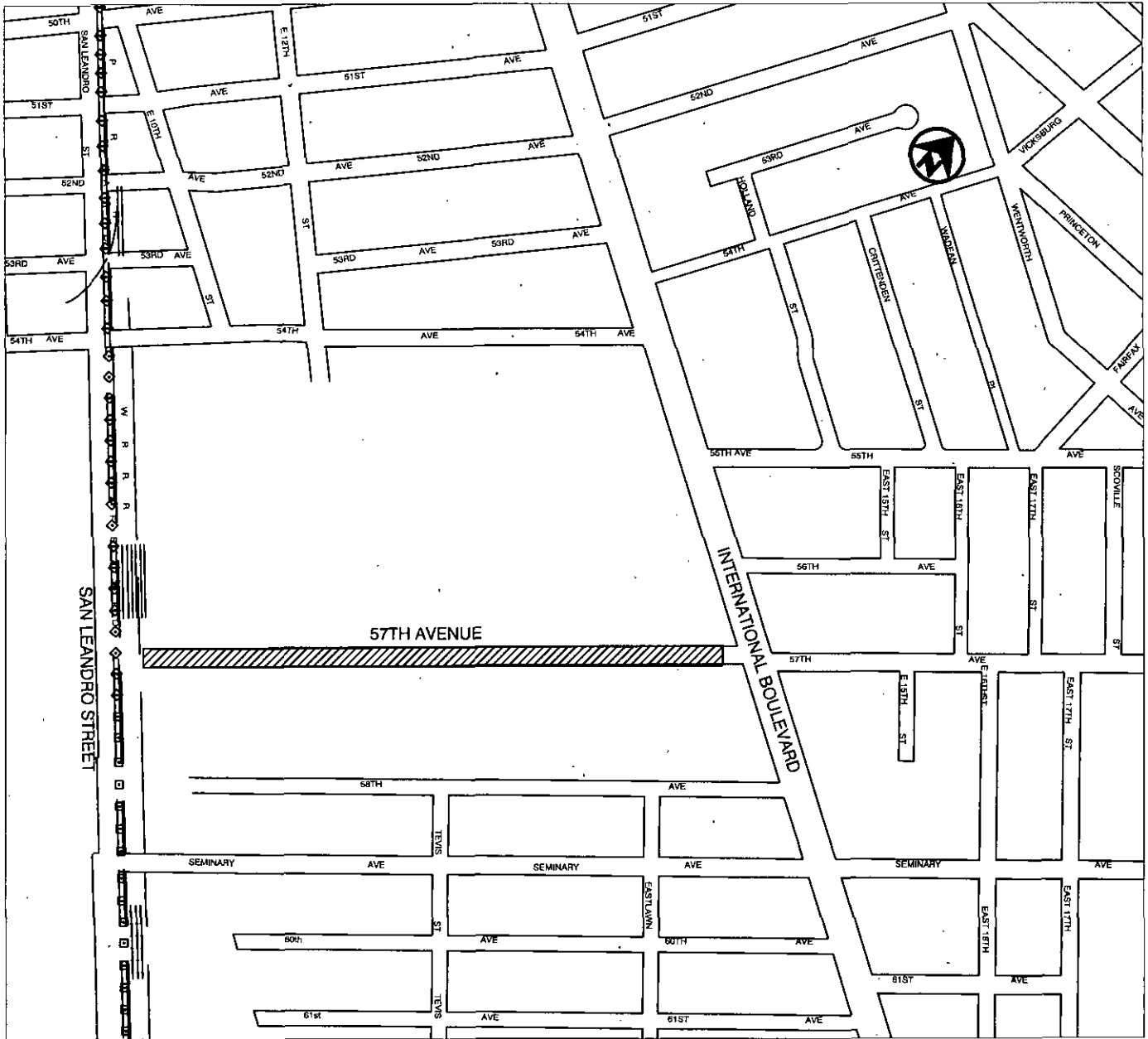
NOT TO SCALE

LIMIT OF WORK 

# ATTACHMENT A2

## THE REHABILITATION OF SANITARY SEWERS AT 57TH AVENUE BETWEEN SAN LEANDRO STREET AND INTERNATIONAL BOULEVARD

CITY PROJECT NO. C461810



### LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 





*Attachment C1 & C2*



# INTER OFFICE MEMORANDUM

**TO:** Gunawan Santoso,  
Civil Engineer

**FROM:** Deborah Barnes, *Deborah Barnes*  
Manager, Contracts & Compliance

**SUBJECT:** Compliance Analysis.

**DATE:** July 3, 2013

The Rehabilitation of Sanitary Sewers Bounded by  
Golf Links Road, Encina Way and Calandria Avenue  
(Su-Basin 83-012)  
Project No. C312810

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPO	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Andes Construction	\$2,275,033	95.04%	0.09%	94.59%	.36%	100%	95.04%	5%	\$2,161,281.35	Y
Pacific Trenchless	\$2,671,238	93.26%	0.37%	92.89%	0.00%	100%	93.26%	5%	\$2,537,676.10	Y
J. Howard Engineering, Inc.	\$3,123,653	91.04%	1.02%	90.01%	0.00%	100%	91.04%	5%	\$2,967,470.35	Y

Comments: As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant.

\*Andes Construction's proposed VSLBE/LPG participation is valued at 0.18%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Andes Construction is 0.36%.



**For Informational Purposes**

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

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

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

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

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

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
651	0	50%	326	100%	326	0	0	100%	98	15%	98	0

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

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

**City Administrator's Office**

**Contracts and Compliance Unit**



**PROJECT EVALUATION FORM**

**PROJECT NO:** C312810

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012)

**CONTRACTOR:** Andes Construction

<b><u>Engineer's Estimate:</u></b> \$2,399,230.00	<b><u>Contractors' Bid Amount</u></b> \$2,275,033.00	<b><u>Over/Under Engineer's Estimate</u></b> \$124,197.00
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<b><u>Discounted Bid Amount:</u></b> \$2,161,281.35	<b><u>Amount of Bid Discount</u></b> \$113,751.65	<b><u>Discount Points:</u></b> 5%
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1. Did the 50% local/small local requirements apply? **YES**

2. Did the contractor meet the 50% requirement? **YES**

a) % of LBE participation	<b><u>0.09%</u></b>
b) % of SLBE participation	<b><u>94.59%</u></b>
c) % of VSLBE participation	<b><u>*.36</u></b>

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.

\*Proposed VSLBE/LPG participation is valued at .18%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore the VSLBE/LPG value is .36%.

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

7/3/2013

Date

**Reviewing Officer:**

*Sylvia Hung*

**Date:** 7/3/2013

**Approved By:**

*Shelley Darenobung*

**Date:** 7/3/2013

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name:		The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012)											
Project No.:		Engineers Est:				Under/Over Engineers Estimate:							
Discipline	Prime A Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG <small>double counted value</small>	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Andes Construction	Oakland	CB		2,147,033		2,147,033			2,147,033	H	2,147,033	
Trucking	Foston Trucking	Oakland	CB		5,000		5,000	5,000	5,000	5,000	AA	5,000	
Saw Cutting	Bay Line	Berkeley	UB							5,000	H	5,000	
Pipe	ISCO	Louisville, Ky	UB							80,000	C		
AB	Arman	Los Angeles	UB							2,000	C		
MH Precast	Old Castle Precast	Livermore	UB							10,000	C		
AC	G & B	Oakland	Ca			2,000	2,000			2,000	C		
Drain Rock	Dutra	San Rafael	UB							2,000	C		
Concrete Pipe, Fitting & Equip.	Right Away	Oakland	CB	2,000			2,000			2,000	C		
	P & F	Brisbane	UB							20,000	C		
<b>Project Totals</b>				\$2,000	\$2,152,033	\$2,000	\$2,158,033	\$5,000	\$5,000	\$2,275,033		2,157,033	\$0
				0.09%	94.59%	0.38%	95.04%	100%	100%	100%		94.81%	0%
<b>Requirements:</b> The 50% requirements to a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. All L/SLBE's participation is double counted toward meeting the requirements.											<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian PacIs C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed UO = Multiple Ownership		
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 Administrator's Office



## Contracts and Compliance Unit

### PROJECT EVALUATION FORM

PROJECT NO.: C312810

PROJECT NAME: The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012)

CONTRACTOR: Pacific Trenchless Inc.

<u>Engineer's Estimate:</u> \$2,399,230.00	<u>Contractors' Bid Amount</u> \$2,671,238.00	<u>Over/Under Engineer's Estimate</u> -\$272,008.00
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<u>Discounted Bid Amount:</u> \$2,537,676.10	<u>Amount of Bid Discount</u> \$133,661.90	<u>Discount Points:</u> 5%
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1. Did the 50% local/small local requirements apply? YES

2. Did the contractor meet the 50% requirement? YES

a) % of LBE participation	<u>0.37%</u>
b) % of SLBE participation	<u>92.89%</u>
c) % of VSLBE participation	<u>0%</u>

3. Did the contractor meet the Trucking requirement? YES

a) Total SLBE/LBE trucking participation	<u>100%</u>
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4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received)	<u>5%</u>
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5. Additional Comments.

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

7/3/2013

Date

Reviewing  
Officer:

*Seung Han*

Date: 7/3/2013

Approved By:

*Shelley Sorensburg*

Date: 7/3/2013

# LBE/SLBE PARTICIPATION

## BIDDER 2

Project Name:		The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012)												
Project No.: C312810		Engineers Est: 2,399,230.00					Under/Over Engineers Estimate: -272,008.00							
Discipline	Prime & Subs	Location	Cont. Status	LBE	SLBE	VSLBE/LPG <small>*double counted value</small>	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Pacific Trenchless Inc.	Oakland	CB		2,463,238		2,463,238			2,463,238	C			
Trucking	Williams Trucking	Oakland	CB		18,000		18,000	18,000	18,000	18,000	AA	18,000		
HOPE Pipe	P & F Distributors	Brisbane	UB							150,000	C			
Manhole Lining	Con-Tech of California	Stockton	UB							30,000	C			
Pipe Couplings	Mission Clay	Oakland	CB	10,000			10,000			10,000	C			
<b>Project Totals</b>				\$10,000	\$2,481,238	\$0	\$2,491,238	\$18,000	\$18,000	\$2,671,238		\$18,000	\$0.00	
				0.37%	92.89%	0%	93.26%	100%	100%	100%		0.67%	0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPG/VSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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				US = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										



# City Administrator's Office



## Contracts and Compliance Unit

### PROJECT EVALUATION FORM

PROJECT NO.: C312810

PROJECT NAME: The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road,  
Encina Way and Calandria Avenue (Sub-Basin 85-012)

CONTRACTOR: J. Howard Engineering, Inc.

<u>Engineer's Estimate:</u> \$2,399,230.00	<u>Contractors' Bid Amount</u> \$3,123,653.00	<u>Over/Under Engineer's Estimate</u> -\$724,423.00
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<u>Discounted Bid Amount:</u> \$2,967,470.35	<u>Amount of Bid Discount</u> \$156,182.65	<u>Discount Points:</u> 5%
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1. Did the 50% local/small local requirements apply? YES

2. Did the contractor meet the 50% requirement? YES

a) % of LBE participation	<u>1.02%</u>
b) % of SLBE participation	<u>90.01%</u>
c) % of VSLBE participation	<u>0%</u>

3. Did the contractor meet the Trucking requirement? YES

a) Total SLBE/LBE trucking participation	<u>100%</u>
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4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received)	<u>5%</u>
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5. Additional Comments.

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

7/3/2013

Date

Reviewing  
Officer:

*Sydney Harg*

Date: 7/3/2013

Approved By:

*Shelley Sorenburg*

Date: 7/3/2013

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name:		The Rehabilitation of Sanitary Sewers Bounded by Golf Links Road, Encina Way and Calandria Avenue (Sub-Basin 85-012)													
Project No.: C312810		Engineers Est: 2,399,230.00					Under/Over Engineers Estimate: -724,423.00								
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE/LPG <small>*double counted value</small>	Total	L/SLBE	Total	TOTAL	For Tracking Only				
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE		
PRIME	J. Howard Engineering, Inc.	Oakland	CB		2,786,653		2,786,653			2,786,653	C				
Trucking	Williams Trucking	Oakland	CB		25,000		25,000	25,000	25,000	25,000	AA	25,000			
Couplings/pipe	Mission Clay	Oakland	CB	16,000			16,000			16,000	C				
Manhole Materials	Old Castle Precast	Pleasanton	UB							12,000	C				
Pipe/HDPE	P & F	Brisbane	UB							180,000	C				
Manhole Materials	Right Away Ready Mix	Oakland	CB	16,000			16,000			16,000	H	16,000			
Saw Cutting	Bay Line Cutting	Berkeley	UB							6,000	H	6,000			
Backfill/Recycle	Inner City	Oakland	UB							15,000	C				
Manhole Lining	Contech of California	Stockton	UB							10,000	C				
Pepe Bursting	T.T. Technologies, Inc	Aurora, IL	UB							40,000	C				
By pass Pump	Rain For Rent	Oakley	UB							12,000	C				
Misc Supplies	Economy Lumber Company of Oakland	Oakland	CB	5,000			5,000			5,000	C				
<b>Project Totals</b>				\$32,000	\$2,811,653	\$0	\$2,843,653	\$25,000	\$25,000	\$3,123,653		47,000	\$0		
				1.02%	90.01%	0%	91.04%	100%	100%	100%		1.50%	0%		
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership				
<table style="width: 100%; border: none;"> <tr> <td style="width: 45%; border: none;">           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         </td> <td style="width: 45%; border: none;">           UB = Uncertified Business            CB = Certified Business            MBE = Minority Business Enterprise            WBE = Women Business Enterprise         </td> </tr> </table>														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
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														

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

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

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	N/A	If no, penalty amount	

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	N/A	If no, penalty amount?	

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

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
651	0	50%	326	100%	326	0	0	100%	98	15%	98	0

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

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

CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division



PROJECT EVALUATION FORM

PROJECT NO.: C461810

PROJECT NAME: Rehabilitation of Sanitary Sewers at 57th Avenue between San Leandro Street and International Boulevard

CONTRACTOR: Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid</u>	<u>Over/Under Engineer's</u>
\$493,680.00	<u>Amount</u>	<u>Estimate</u>
	\$397,305.00	\$96,375.00
	<u>Specialty Dollar Amount</u>	
	\$120,520.00	

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$383,465.75	\$13,839.25	\$276,785.00	5%

- 1. Did the 50% requirements apply? YES
- 2. Did the contractor meet the 50% requirement? YES
  - b) % of LBE participation 0.72%
  - c) % of SLBE participation 91.69%
  - d) % of VSLBE/LPG participation \*1.44%
- 3. Did the contractor meet the L/SLBE Trucking requirement? YES
  - a) Total L/SLBE trucking participation 100%
- 4. Did the contractor receive bid discounts? YES
  - (If yes, list the percentage received) 5%

5. Additional Comments.

Bid Item #4 and 5 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Proposed VSLBE/LPG participation is valued at 0.72%. however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 1.44%

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

7/5/2013  
Date

Reviewing Officer:

[Signature]

Date:

7/5/2013

Approved By:

Shelley Darmsberg

Date:

7/5/2013

# LBE/SLBE PARTICIPATION

## BIDDER 1

Project Name: **Rehabilitation of Sanitary Sewers at 57th Avenue between San Leandro Street and International Boulevard**

C461810		Engineers Est. \$493,680.00				Under/Over Engineers Estimate: \$56,375.00					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	**VSLBE/LPG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking					
PRIME	Andes Construction, Inc.	Oakland	CB		248,785		248,785			248,705	364,305	H	248,785	
Trucking	Foston Trucking	Oakland	CB		5,000		5,000	5,000	5,000	5,000	5,000	AA	5,000	
Saw Cutting	Bay Line	Berkeley	UB								3,000	H	3,000	
Pipe	P & F Brisbane	Brisbane	UB							10,000	10,000	C		
AB	Aman	Los Angeles	UB							2,000	2,000	C		
MH Precast	Old Castle Precast	Livermore	UB							5,000	5,000	C		
AC Mat	Gallagher & Burk	Oakland	CB			2,000	2,000			2,000	2,000	C		
Drain Rock	Dutra Material	San Rafael	UB							2,000	2,000	C		
	Right Away Ready	Oakland	CB	2,000			2,000			2,000	2,000	C		
Liner	Masterliners	Hammond	UB								2,000	C		
<b>Project Totals</b>				\$2,000	5253,785	\$2,000	\$257,785	\$5,000	\$5,000	\$276,785	\$397,305		\$258,785	\$0
				0.72%	91.69%	*1.44%	92.41%	100%	100%	100%	100%		92.77%	0.00%
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING				<b>Ethnic</b> AA = African American AI = Asian Indian AP = Asia Pacific C = Caucasian H = Hispanic NA = Native American O = Othw NL = Not Listed MO = Multiple Ownership		
<b>Legend</b> LSE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = very Small Business Enterprise LPO = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non-Profit Local Business Enterprise NPSLBE = Non-Profit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise														

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

\*\* Proposed VSLBE/LPG participation is valued at .72%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

**CONTRACTS AND COMPLIANCE UNIT**



**Contract Compliance Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C461810

**PROJECT NAME:** Rehabilitation of Sanitary Sewers at 57th Avenue between San Leandro Street and International Boulevard

**CONTRACTOR:** J. Howard Engineering, Inc.

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Original Bid</u></b>	<b><u>Specialty Dollar</u></b>	<b><u>Over/Under Enginaer's</u></b>
\$493,630.00	<b><u>Amount</u></b>	<b><u>Amount</u></b>	<b><u>Estimate</u></b>
	\$412,405.00	\$79,704.00	\$81,275.00

<b><u>Discounted Bid Amount:</u></b>	<b><u>Amount of Bid Discount</u></b>	<b><u>Non-Specialty Bid Amt.</u></b>	<b><u>Discount Points:</u></b>
\$395,769.95	\$16,635.05	\$332,701.00	5%

1. Did the 50% requirements apply? **YES**
  
2. Did the contractor meet the 50% requirement? **YES**
  - b) % of LBE participation **2.55%**
  - c) % of SLBE participation **89.93%**
  - d) % of VSLBE/LPG Participation **0%**
  
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100%**
  
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **0.00%**
  
5. Additional Comments.

**Bid item #4 and 5 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.**

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

**Reviewing Officer:**

*[Signature]*

**Date:**

7/5/2013

**Approved By:**

*[Signature]*

**Date:**

7/5/2013

7/5/2013

Date

**CONTRACTS AND COMPLIANCE UNIT**



**Contract Compliance Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.: C461810**

**PROJECT NAME: Rehabilitation of Sanitary Sewers at 57th Avenue betwvn San Leandro Street and International Boulevard**

**CONTRACTOR: Pacific Trenchless, Inc.**

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid</u>		<u>Over/Under Engineer's</u>
	<u>Amount</u>	<u>Specialty Dollar Amount</u>	<u>Estimate</u>
\$493,680.00	\$423,301.00	\$93,976.00	\$70,379.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$406,834.75	\$16,466.25	\$329,325.00	5%

- 1. Did the 50% requirements apply? **YES**
  
- 2. Did the contractor meet the 50% requirement? **YES**
  - b) % of LBE participation **0.00%**
  - c) % of SLBE participation **93.93%**
  - d) % of VSLBE/LPG Participation **0%**
  
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100%**
  
- 4. Did the contractor receive bid discounts? **YES**

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

**Bid item # 4 and 5 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.**

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

7/5/2013

Date

Reviewing  
Officer:

*[Signature]*

Date:

7/5/2013

Approved By:

*Shelley Darenburg*

Date:

7/5/2013

## BIDDER 3

Project Name: **Rehabilitation of Sanitary Sewers at 57th Avenue betwn San Leandro Street and International Boulevard**

C461810		Engineers Est: \$493,680.00				Under/Over Engineers Estimate: \$70,379.00					For Tracking Only			
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	**VSLBE/LPG	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME Trucking	Pacific Trenchless, Inc.	Oakland	CB		307,325		307,325			307,325	351,301	C		
	Williams Trucking	Oakland	CB		2,000		2,000	2,000	2,000	2,000	2,000	AA	2,000	
CIPP	Christian Brothers Lining/Co	Dulce	UB								50,000	C		
HOPE Pipe Manhole Lining	P&F Distributors Contech of California	Brisbane	UB							18,000	18,000	C		
		Stockton	UB							2,000	2,000	C		
<b>Project Totals</b>				\$0	\$309,325	\$0	\$309,325	\$2,000	\$2,000	\$329,325	\$423,301		\$2,000	\$0
				0%	93.93%	0%	93.93%	100%	100%	100%	100%		0.61%	0.00%
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the				LBE 26%	SLBE 25%	VSLBE/LRG	TOTAL LBE/SLBE VSLBBLPG	50% LBE/SLBE TRUCKING				Ethnici AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Owners/np		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business						
				SLBE = Small Local Business Enterprise				CB = Certified Business						
				VSLBE = Very Small Local Business Enterprise				MBE = Minority Business Enterprise						
				LPG = Locally Produced Goods				WBE = Women Business Enterprise						
				Total LBE/SLBE = All Certified Local and Small Local Businesses										
				NPLBE = NonProfit Local Business Enterprise										
				NPSLBE = NonProfit Small Local Business Enterprise										

\* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 60% L/SLBE participation requirement



*Attachment D*

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

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

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**WORK PERFORMANCE**

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

C67 Contractor Evaluation Form Contractor: Andes Construction Project No. C329116

C68 Contractor Evaluation Form Contractor: Andes Construction Project No. C329116

**OAKLAND CITY COUNCIL**

City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS BOUNDED BY GOLF LINKS ROAD, ENCINA WAY AND CALANDRIA AVENUE (PROJECT NO. C312810), IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND THIRTY-THREE DOLLARS (\$2,275,033.00)**

**WHEREAS**, on June 13, 2013, three bids were received by the Office of the City Clerk of the City of Oakland for The Rehabilitation of Sanitary Sewers bounded by Golf Links Road, Encina Way and Calandria Avenue (Project No. C312810); and

**WHEREAS**, Andes Construction, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C312810; \$2,275,033.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

**WHEREAS**, Andes Construction, Inc. complies with all LBE/SLBE and trucking requirements; and

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

**RESOLVED:** That the construction contract for The Rehabilitation of Sanitary Sewers bounded by Golf Links Road, Encina Way and Calandria Avenue (Project No. C312810) is hereby awarded to Andes Construction, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated June 13, 2013, for the amount of Two Million Two Hundred Seventy-Five Thousand Thirty-Three Dollars; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with Andes Construction, 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 the City Administrator, or her designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Andes Construction, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

**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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and  
PRESIDENT KERNIGHAN

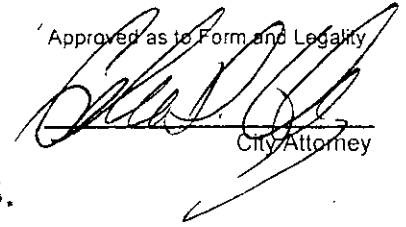
NOES -

ABSENT -

ABSTENTION –

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

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS AT 57<sup>TH</sup> AVENUE BETWEEN SAN LEANDRO STREET AND INTERNATIONAL BOULEVARD (PROJECT NO. C461810), IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED NINETY-SEVEN THOUSAND THREE HUNDRED FIVE DOLLARS (\$397,305.00)**

**WHEREAS**, on June 20, 2013, three bids were received by the Office of the City Clerk of the City of Oakland for The Rehabilitation of Sanitary Sewers at 57<sup>th</sup> Avenue between San Leandro Street and International Boulevard (Project No. C461810); and

**WHEREAS**, Andes Construcion, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organizafion (92244); Sewers Account (57417); Project No. C461810; \$397,305.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

**WHEREAS**, Andes Construcion, Inc. complies with all LBE/SLBE and trucking requirements; and

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

**RESOLVED:** That the construction contract for The Rehabilitation of Sanitary Sewers at 57<sup>th</sup> Avenue between San Leandro Street and International Boulevard (Project No. C461810) is hereby awarded to Andes Construction, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated June 20, 2013, for the amount of Three Hundred Ninety-Seven Thousand Three Hundred Five Dollars; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with Andes Construction, 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 the City Administrator, or her designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Andes Construction, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

**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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and  
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION –

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

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