

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

OFFICE OF THE CITY CLERK  
2005 OCT 13 AM 8:36

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: October 25, 2005

RE: RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE CONSTRUCTION OF SANITARY RELIEF SEWER ALONG BEAUMONT AVENUE BETWEEN EAST 30<sup>TH</sup> STREET AND EAST 33<sup>RD</sup> STREET – SUBBASIN 58-4.000 (PROJECT NO. C227410) FOR THE AMOUNT OF ONE HUNDRED SEVENTY-FIVE THOUSAND SEVENTY-TWO DOLLARS (\$175,072.00)

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$175,072.00 to Andes Construction, Inc. for the Construction of a Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410). The work to be completed under this project is part of the City's annual Sanitary Sewer Cyclic program. The work is located in Council Districts 2 and 5 as shown on Attachment A.

**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); Construction of Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410). These funds were specifically allocated for this project. The Engineer's estimate for the work is \$180,180.00.

**BACKGROUND**

On August 1, 2005 the City Clerk received two bids for this project in the amounts of \$175,072.00 and \$210,031.00 as shown in *Attachment B*. Andes Construction, Inc. is the lowest bidder, deemed responsive and responsible, and therefore recommended for the award.

This project will rehabilitate and upgrade the sanitary sewers within the project area, eliminate the infiltration of rain and groundwater into the sanitary sewer system, and limit the overflows and backups during wet weather. This project meets the Mayor/Council Goals and Citywide Objective to **Build Community and Foster Livable Neighborhoods** by providing for well-

Item: \_\_\_\_\_  
Public Works Committee  
October 25, 2005

maintained and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees.

In general, the proposed work consists of rehabilitating/replacing approximately 870 linear feet of existing sewer pipes ranging from 12” to 18” in diameter, removing and replacing 4 sewer structures, reconnecting house connection sewers, and other related works as indicated on the plans and specifications.

Under the proposed contract with Andes Construction, Inc. SLBE participation of \$175,072.00 (100%) exceeds the City’s 20% LBE/SLBE requirement. The contractor shows \$3,500.00 (100%) for trucking that exceeds the 20% Local Trucking participation requirement. The contractor received 5% credit for LBE/SLBE preference, or \$8,753.60, that made the adjusted bid amount \$166,318.40. 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 Contract Compliance Division of the City Administrator’s Office and is shown in *Attachment B*.

### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin by December 2005 and should be completed by February 2006. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 30 working days is exceeded. The project schedule is shown in *Attachment C*.

### **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 Andes Construction Inc. The lowest responsible bidder, in the amount of \$175,072.00 for the Construction of Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410). 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:  
Gus Amirzehni, P.E.  
Supervising Civil Engineer  
Engineering Design Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

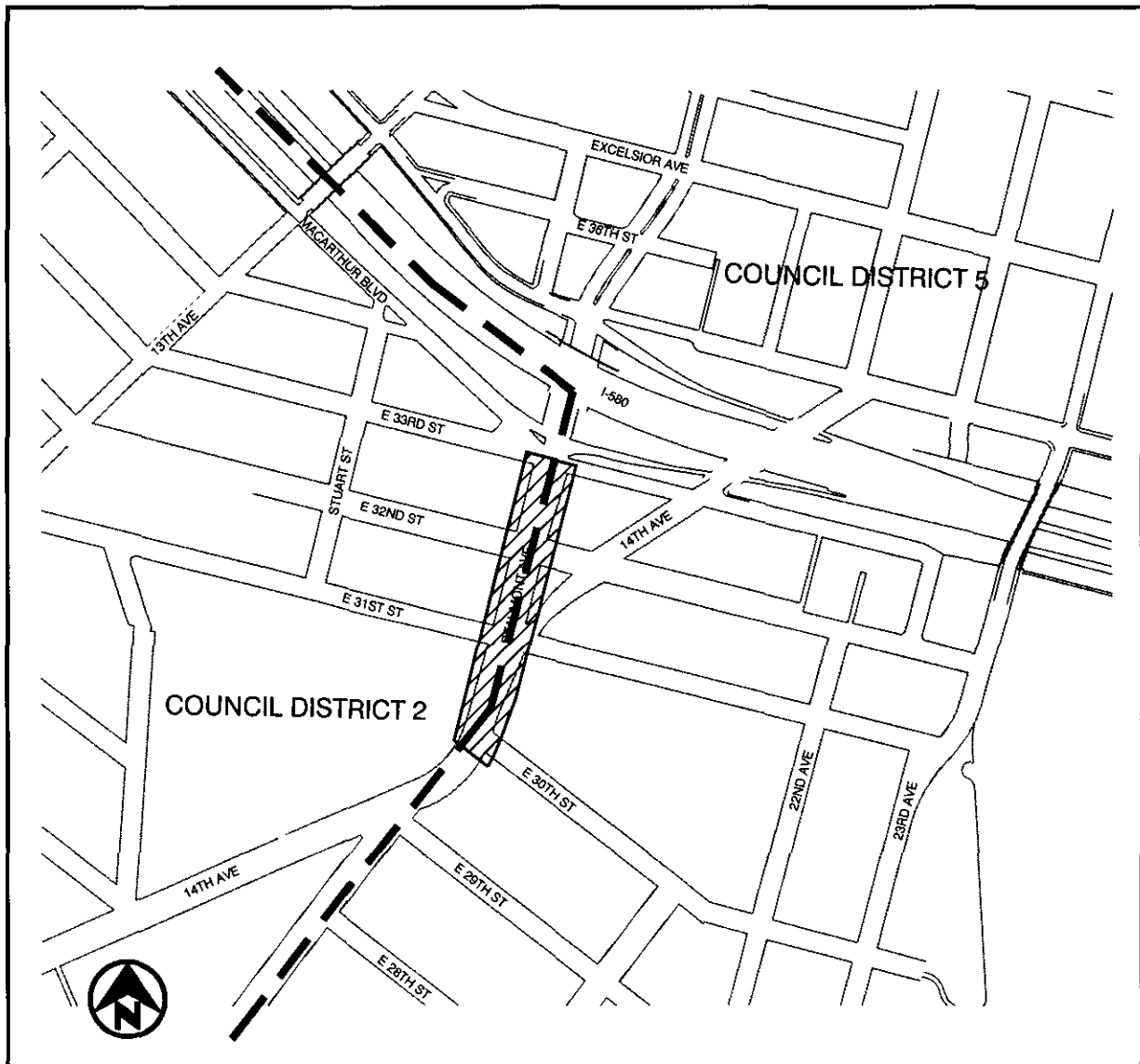
  
**OFFICE OF THE CITY ADMINISTRATOR**

ATTACHMENT A

PLANS FOR THE CONSTRUCTION OF  
SANITARY RELIEF SEWERS  
ALONG BEAUMONT AVE BETWEEN  
E 30TH ST AND E 33RD ST

(SSES BASIN 58-4.000)

CITY PROJECT NO. C227410



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 

*Attachment B*



**OFFICE OF THE CITY ADMINISTRATOR**  
 Contract Compliance & Employment Services Division

# Memo

**TO:** Gwen McCormick, PWA--Contract Administration  
**THROUGH:** Deborah Barnes, CC&ES Manager *Deborah Barnes*  
**FROM:** Shelley Darensburg, Contract Compliance Officer  
**CC:** Contract Compliance Officer File  
**DATE:** August 23, 2005

**RE: The Construction of Sanitary Relief Sewer Along Beaumont Avenue Between E. 30th and E. 33rd Street, Project No. C227410**

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Contract Compliance & Employment Service reviewed two (2) proposals 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 (EBO).

Company Name	Bid Amount (If applicable)	Proposed Participation				Total Credited	Preferences	Banked Credits Eligibility	EBO Compliant ? Y/N
		Total	LBE	SLBE	Trucking		Bid Discounts		
Andes Construction	\$175,072	100%	0%	100%	100%	100%	5%	2	Y
Mosto Construction	\$210,031	100%	0%	82%	75%	82%	5%	2	N/A

As noted above, both bidders achieved and/or exceeded the 20% L/SLBE participation requirement. The lowest bidder, Andes Construction is in compliance with the EBO. Mosto Construction, second lowest bidder does not offer benefits and therefore the EBO is not applicable.

Should you have any questions please feel free to contact Shelley Darensburg at 238-7325.

## LBE/SLBE Participation Bidder 1

Project Name: **Construction of Sanitary Relief Sewer Along Beaumont Avenue between E. 30th Street and E. 33rd Street**

Project No.: <b>C227410</b>		Engineers Est: <b>\$180,180</b>				Under/Over Engineers Estimate: <b>\$5,108</b>						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
<b>PRIME</b> Saw cutting Trucking	Andes Construction	Oakland	CB		169,572	169,572			169,572	H	169,572	
	Bay Line Construction	Oakland	CB		2,000	2,000			2,000	H	2,000	
	Foston Trucking	Oakland	CB		3,500	3,500	3,500	3,500	3,500	AA	3,500	
<b>Project Totals</b>				\$0	\$175,072	\$175,072	\$3,500	\$3,500	\$175,072		\$175,072	\$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>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
<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.:** C227410

**Project Name:** Construction of Sanitary Relief Sewer Along Beaumont Avenue between E. 30th Street and E. 33rd Street

**Contractor:** Andes Construction

**Contractor's Bid Amount:** \$175,072

**Engineer's Estimate:** \$180,180

**Over/Under the Engineers Estimate:** \$5,108

**Bid Discounted Amount:** \$3,501

**Discount Points:** 5

**Discounted Bid Price:** \$171,571

1. Did the 20% requirements 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 receive bid discount points? **Yes**  
(If yes, list the points received) **5**

5. Additional Comments.

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

**8/23/2005**

**Reviewing**

**Officer:** Shelley Darenburg

**Date:** 8/23/2005

**Approved By:** Debra Banner

**Date:** 8/23/05



## LBE/SLBE Participation Bidder 2

Project Name: **Construction of Sanitary Relief Sewer along Beaumont Avenue between E. 30th Street and E. 33rd Street**

C227410		Engineers Est: \$180,180				Under/Over Engineers Estimate: -\$29,851							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)			
										Ethn.	MBE	WBE	
<b>PRIME</b> Supplier Trucking Trucking Supplier	Mosto Construction	Oakland	CB		158,031	158,031			158,031	H	158,031		
	Mission Clay Products		UB						20,000	NL			
	Monroe Trucking	Oakland	CB		15,000	15,000	15,000	15,000	15,000	AA	15,000		
	Uriel Trucking	Oakland	UB						5,000	NL			
	M/R	Hayward	UB						12,000	NL			
<b>Project Totals</b>				\$0	\$173,031	\$173,031	\$15,000	\$20,000	\$210,031		\$173,031	\$0	
				0%	82%	82%	75%	100%	100%		82%	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>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
<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.:** C227410

**Project Name:** Construction of Sanitary Relief Sewer along Beaumont Avenue between E. 30th Street and E. 33rd Street

**Contractor:** Mosto Construction

**Contractor's Bid Amount:** \$210,031

**Engineer's Estimate:** \$180,180

**Over/Under the Engineers Estimate:** -\$29,851

**Bid Discounted Amount:** \$4,201

**Discount Points:** 5

**Discounted Bid Price:** \$205,830

1. Did the 20% requirements apply? YES

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

a) % of LBE 0%

b) % of SLBE 82%

3. Did the contractor meet the Trucking requirement? Yes

a) % of Local Trucking 100%

4. Did the contractor receive bid discount points? Yes  
(If yes, list the points received) 5

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 8/23/2005

**Reviewing**

**Officer:** Shelley Darenburg

**Date:** 8/23/2005

**Approved By:** Debra Barnes

**Date:** 8/23/05

*Attachment C*

**Construction of Sanitary Relief Sewer along Beaumont Avenue between E. 30<sup>th</sup> Street and E. 33<sup>rd</sup> Street  
Subbasin 58-4.000  
(Project No. C227410)**

**List of Bidders**

<b>Company</b>	<b>Status</b>	<b>Location</b>	<b>Bid Amount</b>
Andes Construction, Inc	SLBE	Oakland	\$175,072.00
Mosto Construction, Inc	SLBE	Oakland	\$210,031.00

**Project Schedule**

ID	Task Name	Start	Finish	2004				2005				2006
				Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1
1	<b>Project No. C227410</b>	<b>Mon 4/4/05</b>	<b>Fri 2/10/06</b>									
2	Pre-Design	Mon 4/4/05	Fri 4/29/05									
3	Design	Mon 5/2/05	Fri 7/1/05									
4	Bid/Award	Mon 7/4/05	Wed 10/26/05									
5	Construction	Mon 12/5/05	Fri 2/10/06									

OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
Oakland City Attorney's Office

2005 OCT 13 AM 8:37

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE CONSTRUCTION OF SANITARY RELIEF SEWER ALONG BEAUMONT AVENUE BETWEEN EAST 30<sup>TH</sup> STREET AND EAST 33<sup>RD</sup> STREET – SUBBASIN 58-4.000 (PROJECT NO. C227410) FOR THE AMOUNT OF ONE HUNDRED SEVENTY-FIVE THOUSAND SEVENTY-TWO DOLLARS (\$175,072.00)

**WHEREAS**, on August 1, 2005, two bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410); and

**WHEREAS**, Andes Construction, Inc. a certified SLBE bidding as a prime is the lowest 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); Construction of Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410) 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 Construction of Sanitary Relief Sewer along Beaumont Avenue between East 30<sup>th</sup> Street and East 33<sup>rd</sup> Street – Subbasin 58-4.000 (Project No. C227410) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated August 1, 2005, for the amount of One Hundred Seventy-Five Thousand and Seventy-Two Dollars (\$175,072.00); 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, \$175,072.00, 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, \$175,072.00, 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; and be it

**FURTHER RESOLVED:** That the approval of this resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California