



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB 27 PM 4: 46

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: Rehabilitation of Sanitary Sewers

DATE: February 11, 2019

City Administrator Approval

Date:

[Signature]
2/19/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Specifications For Sanitary Sewer Rehabilitation Sub-Basin 83-103 (Project No. 1000673) And With Contractor's Bid In The Amount Of Three Million Seven Hundred Four Thousand Three Hundred Eighty-Five Dollars (\$3,704,385).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with Pacific Trenchless, Inc. in the amount of \$3,704,385.00. The work to be completed is part of the City's annual sanitary sewer rehabilitation program and is required under the 2014 Sewer Consent Decree. Funding for this project is available in the Fiscal Year 2018-19 budget. The work is in Council District 6 in the general area of 62nd Ave. and Avenal Ave. as shown in **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer overflows during storm events. This project is part of the City's annual sanitary sewer rehabilitation program intended to improve pipe conditions and reduce wet weather peak flows in the sanitary sewer system, and is required under the 2014 Sewer Consent Decree.

The proposed work consists of rehabilitating approximately 11,183 linear feet of existing 8-inch, and 1,457 linear feet of existing 12-inch diameter sewer pipes by pipe-expanding, open trench or cured-in-place pipe method; rehabilitating sewer structures; reconnecting and rehabilitating house sewer connections, and other related work as indicated on the plans and specifications.

Item: _____
Public Works Committee
March 5, 2019

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will allow the City Administrator or designee to execute a construction contract with Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation Sub-Basin 83-103 (Project No. 1000673). On November 8, 2018, the City Clerk received two bids for this project in the amounts of \$3,704,385.00 and \$4,273,563.00 as shown in **Attachment B**. Pacific Trenchless, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award. The project was bid originally on April 5, 2018 and two bids were received. Due to both bids exceeding funding availability at that time, all bids were rejected. The project was subsequently re-scoped and rebid on November 8, 2018 with two bids received. Under the proposed contract with Pacific Trenchless, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 92.43 percent, which exceeds the City's 50 percent LBE/SLBE requirement. Trucking participation is 100 percent and exceeds the 50 percent requirement. The contractor is required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in **Attachment C**.

Construction is scheduled to begin in June 2019 and should be completed by November 2019. The contract specifies liquidated damages of \$1,000 per calendar day. The project schedule is shown in **Attachment B**.

The Engineer's estimate for the work is \$3,537,170.00. Staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction market conditions.

FISCAL IMPACT

Funding for this project is available in the Fiscal Year (FY) 2018-19 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Project No. 1000673. Funding for operations and maintenance is also budgeted and available in the Sewer Fund 3100.

PUBLIC OUTREACH / INTEREST

The residents in the area have been notified in writing about these projects. Prior to starting work, residents who are affected by the work will be notified individually of the work schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge.

COORDINATION

The work to be done under these contracts was coordinated with Oakland Public Works (OPW) Bureau of Maintenance and Internal Services, Bureau of Environment, and Contracts and

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution awarding a construction contract to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, in accordance with project specifications for Sanitary Sewer Rehabilitation Sub-Basin 83-103 (Project No. 1000673) and with contractor's bid in the amount of three million seven hundred four thousand three hundred eighty-five dollars (\$3,704,385).

For questions regarding this report, please contact Jimmy Mach, Wastewater Engineering Management Division Manager at 510-238-3303.

Respectfully submitted,



JASON MITCHELL
Director, Oakland Public Works

Reviewed by:
Danny Lau, P.E., Assistant Director
Bureau of Design & Construction

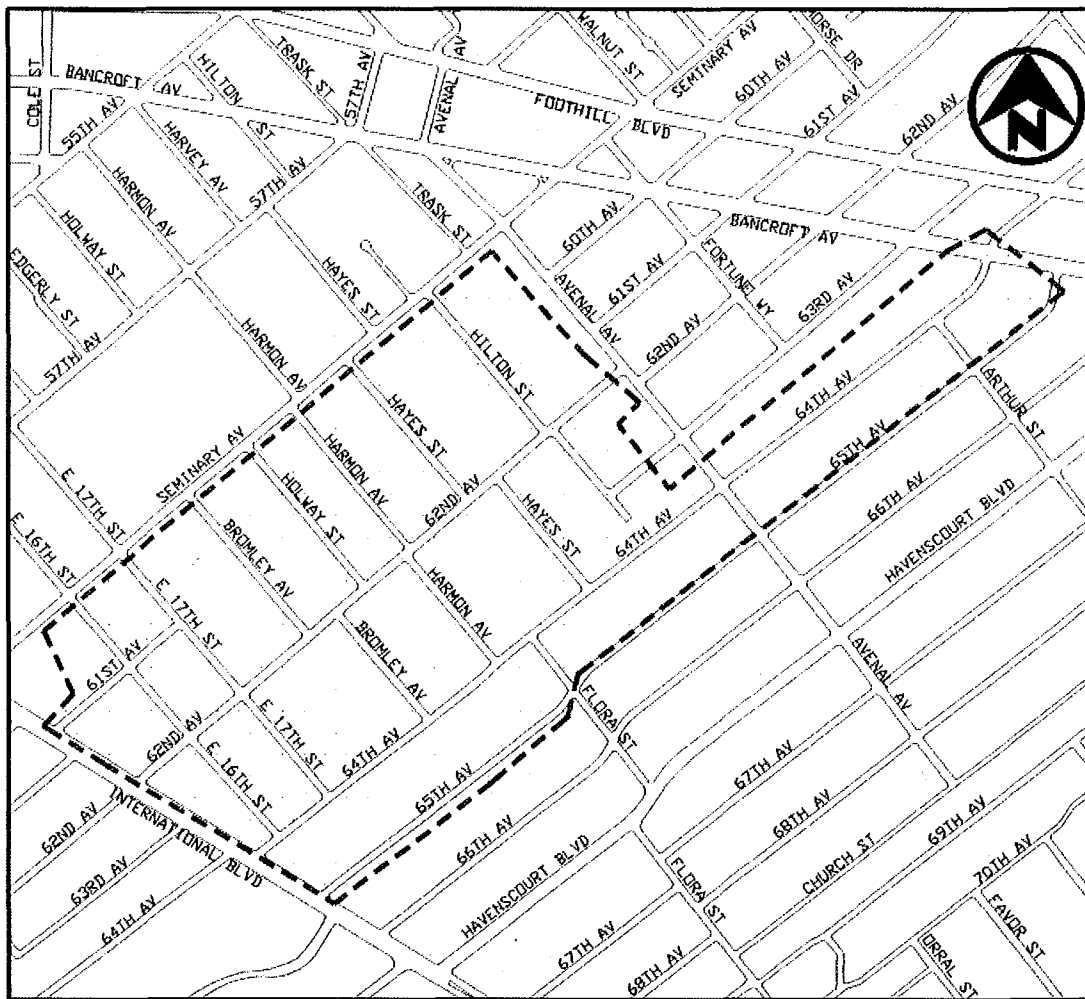
Prepared by:
Jimmy Mach, P.E., Division Manager
Wastewater Engineering Management Division

Attachments (4):

- A: Project Location Map
- B: List of Bidders and Project Construction Schedule
- C: Contracts & Compliance Unit Compliance Evaluation
- D: Contractor Performance Evaluation

THE REHABILITATION OF SANITARY SEWER (SUB-BASIN 83-103)

CITY PROJECT NO. 1000673



LOCATION MAP

LIMIT OF WORK 

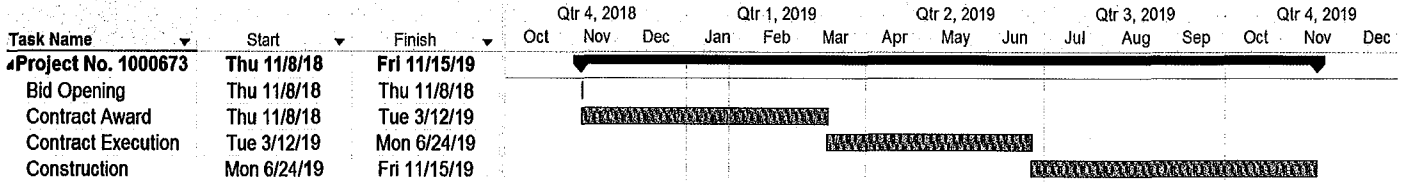
Attachment B

List of Bidders

1000673 Rebid

Company	Location	Bid Amount
Engineer's Estimate	-	\$3,573,170.00
Pacific Trenchless Inc.	Oakland, CA	\$3,704,385.00
Andes Construction Inc.	Oakland, CA	\$4,273,563.00

Project Construction Schedule





INTER OFFICE MEMORANDUM

TO: Mi Kyung Lew,
Project Manager

FROM: Deborah Barnes, Director,
Contracts & Compliance

Deborah Barnes

THROUGH: Shelley Darensburg, Senior
Contract Compliance Officer

PREPARED BY: Vivian Inman
Contract Compliance Officer

SUBJECT: Compliance Analysis
Sanitary Sewer Rehabilitation of
Sub-Basin 83-103
Project No. 1000673

DATE: December 14, 2018

The City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below are the results 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).

Compliant with 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	LPG/SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Pacific Trenchless	\$3,395,611	92.43%	0%	92.43%	1.77% *3.54%	100%	94.20%	5%	\$3,225,830.45	Y
Andes Construction	\$3,994,942	93.32%	0%	93.32%	1.03% *2.06%	100%	94.35%	5%	\$3,795,194.00	Y

*Double counted value

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



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: Pacific Trenchless

Project Name: Rehab. Of Sanitary Sewers between Moore, Saroni and Arrowhead

Project No: C329125

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
740	0	50%	370	100%	370	0	0	100%	111	15%	111	0

Comments: Pacific Trenchless exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 56 on-site hours and 56 off-site hours.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 1000673

PROJECT NAME: Sanitary Sewer Rehabilitation of Sub Basin 83-103

CONTRACTOR: Pacific Trenchless

**Engineer's Estimate:
3,537,170.00**

**Contractors' Bid Amount
\$3,395,611.00**

**Over/Under Engineer's Estimate
141,559.00**

**Discounted Bid Amount:
\$3,225,830.45**

**Amount of Bid Discount
\$169,780.55**

**Percent discount
5.00%**

- 1. Did the 50% local/small local requirements apply? **YES**

- 2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **92.43%** (Double Counted Value is 3.54%)
 - c) % of VSLBE/LPG participation **1.77%**

- 3. Did the contractor meet the Trucking requirement? **YES**
 - c) Total L/SLBE trucking participation **100.00%**

- 4. Did the contractor receive bid discounts? **YES**
 - (If yes, list the percentage received) **5.00%**

- 5. Additional Comments.

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

12/14/2018
Date

Reviewing Officer:

Vinod Kumar

Date: 12/14/2018

Approved By:

Shelley Darenburg

Date: 12/14/2018

LBE/SLBE PARTICIPATION

Bidder 1

Project Name: Sanitary Sewer Rehabilitation of Sub Basin 83-103

Project No.: 1000673		Engineers Est: 3,537,170.00				Under/Over Engineers Estimate:								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME Trucking CIPP Lining	Pacific Trenchless	Oakland	CB		3,108,611.00		3,108,611.00			3,108,611.00	C			
	All City Trucking	Oakland	CB		30,000.00		30,000.00	30,000.00	30,000.00	30,000.00	AI	30,000.00		
	Christian Bros Lining	Fairfield	UB							55,000.00	C			
AC Grind & Pave HDPE Pipe Manhole Lining Class II AB Drain Rock Asphalt Pipe Couplings	MCK Services, Inc.	Martinez	UB							100,000.00	C			
	P&F Distributors	Brisbane	UB							12,000.00	C			
	Contech of California	Stockton	UB							18,000.00	C			
	Argent Materials	Oakland	CB			23,000.00	23,000.00			23,000.00	C			
	Argent Materials	Oakland	CB			19,000.00	19,000.00			19,000.00	C			
	Gallagher & Burk	Oakland	CB			18,000.00	18,000.00			18,000.00	C			
	Mission Clay Products	Oakland	UB							12,000.00	C			
Project Totals				\$0.00	\$3,138,611.00	\$60,000.00	\$3,198,611.00	\$30,000.00	\$30,000.00	\$3,395,611.00		\$30,000.00	\$0.00	
				0.00%	92.43%	1.77%	92.43%	100.00%	100.00%	100.00%		0.88%	0.00%	
Requirements: 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 25%	SLBE 25%	SLBE/LPG	TOTAL LBE/SLBE	TOTAL LBE/SLBE TRUCKING	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				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 1000673

PROJECT NAME: Sanitary Sewer Rehabilitation of Sub Basin 83-103

CONTRACTOR: Andes Construction, Inc.

**Engineer's Estimate:
3,537,170.00**

**Contractors' Bid Amount
\$3,994,942.00**

**Over/Under Engineer's Estimate
-457,772.00**

**Discounted Bid Amount:
\$3,795,194.90**

**Amount of Bid Discount
\$199,747.10**

**Discount Points:
6.00%**

- 1. Did the 50% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **93.32%**
 - c) % of VSLBE participation **1.03%** (Double Counted Value is 2.06%)
- 3. Did the contractor meet the Trucking requirement? **YES**
 - c) Total L/SLBE trucking participation **100.00%**
- 4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5.00%**
- 5. Additional Comments.
- 6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

12/14/2018

Date

**Reviewing
Officer:**

Mia Poma

Date: 12/14/2018

Approved By:

Shelley Darenburg

Date: 12/14/2018

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

Project Number/Title: C455620

Work Order Number (if applicable): _____

Contractor: Pacific Trenchless, Inc.

Date of Notice to Proceed: 09/30/2015

Date of Notice of Completion: 03/17/17

Date of Notice of Final Completion: 03/20/17

Contract Amount: \$1,535,568.70

Evaluator Name and Title: Jose Sotelo, Assistant Engineer II

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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

TIMELINESS

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

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.					Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>		

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

PROCEDURE:

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

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

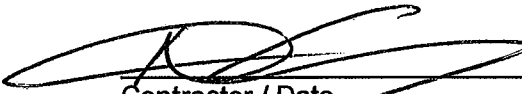
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

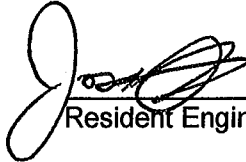
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

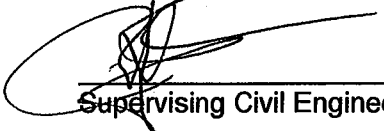
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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


Contractor / Date 04/27/17


Resident Engineer / Date 3/28/17


Supervising Civil Engineer / Date 3/28/17

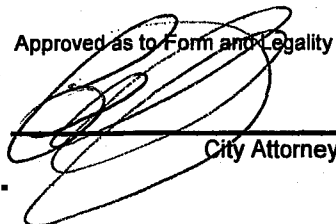
ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

OAKLAND CITY COUNCIL

Approved as to Form and Legality

2019 FEB 27 PM 4:46 RESOLUTION No. _____ C.M.S.



City Attorney

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO PACIFIC TRENCHLESS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT SPECIFICATIONS FOR SANITARY SEWER REHABILITATION SUB-BASIN 83-103 (PROJECT NO. 1000673) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SEVEN HUNDRED FOUR THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS (\$3,704,385.00)

WHEREAS, on November 8, 2018, two bids were received by the Office of the City Clerk of the City of Oakland for Sanitary Sewer Rehabilitation Sub-Basin 83-103 Rebid (Project No. 1000673); and

WHEREAS, Pacific Trenchless, 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. Funding for this project is available in the following project account as part of FY 2018-19 CIP budget: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Project No. 1000673; \$3,704,385.00; and these funds were specifically allocated for this project; and

WHEREAS, this project will help reduce the amount of sanitary sewer maintenance and wet weather peak flows; and

WHEREAS, the 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 lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now; and

WHEREAS, Pacific Trenchless, Inc. complies with all LBE/SLBE and trucking requirements; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract for Sanitary Sewer Rehabilitation Sub-Basin 83-103 (Project No. 1000673) to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, in the amount of \$3,704,385.00 in accord with plans and specifications for the project and with contractor's bid dated November 8, 2018; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$3,704,385.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$3,704,385.00, with respect to such work are hereby approved; and be it

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

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

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That 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 prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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