

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: November 14, 2006

2006 NOV 14 PM 4:05

RE: Supplemental Report Related to Resolution Authorizing Award Of A Contract To Andes Construction, Inc. For The Construction Of Sanitary Relief Sewers Along Clay Street, 8th Street, Jefferson Street, 6th Street And Martin Luther King Jr. Way (Project No. C79310) For The Amount Of One Million Nine Hundred Eighty-One Thousand Three Hundred Thirty-Seven Dollars (\$1,981,337.00)

SUMMARY

On October 24, 2006 staff presented an agenda report and a resolution to the Public Works Committee requesting authorization to award a construction contract in the amount of \$1,981,337.00 to Andes Construction, Inc. for the Construction of Sanitary Relief Sewers along Clay Street, 8th Street, Jefferson Street, 6th Street and Martin Luther King Jr. Way (Project No. C79310). The agenda report contained errors regarding LBE/SLBE and Local Trucking requirements, and omitted information on the market availability analysis that was conducted and the basis for changes made to those requirements for this contract. This supplemental report responds to the Committee's request for clarification and additional information.

1. The previous report erroneously indicated 20% LBE/SLBE and 20% Local Trucking requirements. *Correction:* Under the proposed contract with Andes Construction, Inc. SLBE participation of \$1,361,337.00 (68.71%) exceeds the City's adjusted minimum requirement from 20% to 10% LBE/SLBE requirement. The contractor shows \$25,000.00 (100%) for trucking, meeting the 100% Local Trucking requirement.
2. Council policy allows the consideration of the number of firms ready, willing and able to perform work. This consideration must be made before publishing a Notice Inviting Bids (NIB) or a Request For Proposals (RFP). Council policy, as reflected on page six of the Local/Small Local Program, sets forth the condition for adjusting participation requirements, as follows:

"Based on the "Rule of Three", there must be at least three certified businesses listed in the industry, trade or profession that constitutes a major category of work. If at least three L/SLBEs are not certified, then the requirement is either waived, or the 20% requirement may be set from 19 % to 0%.

The awarding authority shall request an availability analysis if there is reason to believe that the availability of certified firms will not satisfy the 20% requirement. And the request must be made in time for completion prior to issuing an invitation for bids, request for proposals or any other solicitation. "

3. Oakland Market Availability Analysis: A large portion of the scope of work for this project requires a highly specialized work category referred to as "micro-tunneling technology". Attachment A briefly describes this work.

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There were zero available Oakland certified firms ready, willing and able to provide this service. While the fact of zero available firms satisfies the “rule of three” condition prescribed by Council policy, additional steps were taken to make sure local Oakland firms would not lose a potential contracting opportunity.

A market availability analysis used to determine the number of firms ready, willing and able to perform work, was conducted by the City Administrator’s Division of Contract Compliance and Employment Services. The survey was structured to specifically determine micro-tunneling capacity and to advise the market of the possible adjustment to the 20% minimum participation requirement. Surveys were sent out to all firms with a C-42 license (the minimum contractor’s license requirement for the project).

Eleven (11) firms currently hold a C-42 license. Copies of those letters are attached. The results show that zero firms possessing a C-42 license are also qualified to provide micro-tunneling.

- 4. Trucking: The minimum 20% minimum Local Trucking requirement was increased to 100% because the market could fully satisfy that level of participation.

ACTION REQUESTED OF THE CITY COUNCIL

This is a supplemental report related to award of a sanitary relief sewers construction contract to Andes Construction, Inc. Staff recommends that the City Council accept this supplemental information and approve the resolution.

Respectfully submitted,



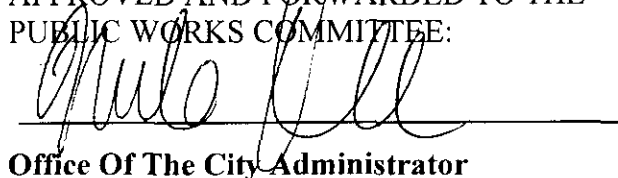
Raul Godinez II, P.E.
Director, Public Works Agency


Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Deborah Lusk-Barnes
Manager, Contract Compliance & Employment Services
Office of the City Administrator

Prepared by:
Gus Amirzehni, P.E.
Supervising Civil Engineer
Design & Construction Services Dept

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office Of The City Administrator



Insituform Technologies, Inc.

Products & Services

- Municipal Sewers
 - Replacement
 - Relining
 - Slip Lining
 - Microtunneling
 - Access
 - Structures
 - Manholes
 - Service Work
 - Installation
 - Insituform® P
- Commercial Pipes
 - Replacement
 - Relining
 - Slip Lining
 - Microtunneling
- Water Mains
 - Replacement
 - Relining
 - Slip Lining
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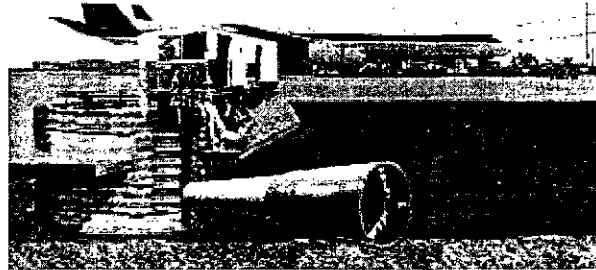
● Microtunneling

Application

A trenchless method of constructing new sewer and water pipe without requiring man-entry. Typically used for pipes ranging from 18-inches to 54-inches in diameter and 40- to 50-feet in depth.

Advantages

Our microtunneling method uses a "closed system;" water and mud removed from the ground are separated, decreasing the risk of environmental contamination. Because we complete microtunneling projects using safe, laser-guided equipment, there is minimal disruption to surface activities. Microtunneling is particularly effective in below-groundwater conditions and unconsolidated soils and where above- and below-ground obstructions exist.



Installation

Similar in many ways to traditional tunneling, microtunneling is a non-man-entry method of installing medium-diameter pipes. Microtunneling is accomplished using a remote-controlled boring machine to carve out a tunnel and install a new pipe in a nearly simultaneous process.

Products and services may be limited by geographic region and project scope.

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ATTACHMENT A



City of Oakland

OFFICE OF THE CITY ADMINISTRATOR • CONTRACT COMPLIANCE & EMPLOYMENT SERVICES DIVISION
250 FRANK H. OGAWA PLAZA • SUITE 3341 • OAKLAND, CALIFORNIA 94612 • PHONE: (510) 238-3970 • FAX: (510) 238-3363

632-1204

November 21, 2005

Via Facsimile: (510) 632-1227

Bruno Franco
JMV Construction Company
801 98th. Avenue
Oakland, CA 94603-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: JMV Construction Company,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

All response can be by email to dmunoz@oaklandnet.com, fax to 510-238-3363, voice mail to 510-238-7643 or letter to Dasco Munoz, 250 Frank H. Ogawa Plaza Ste. 3341 Oakland CA, 94612.



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November 21, 2005

Via Facsimile: (510) 444-4647

Steve Mordus
M&M Drilling & Shoring Services, Inc.
499 A Embarcadero
Oakland, CA 94606-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: M&M Drilling & Shoring Services, Inc.,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005
Via Facsimile: (510) 434-0392

Rafael Tobar
Mosto Construction
3073 22nd Avenue
Oakland, CA 94602-

Re: **Microtunneling and/or bore and jack installation of sewer carrier-pipes**

Attention: Mosto Construction,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005

Via Facsimile: (510) 553-0674

Mahendra J. Shah
Peak Engineering
477 Roland Way
Oakland, CA 94621-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Peak Engineering,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005
Via Facsimile: (415) 647-8166

Alan Casserly
Pacific Trenchless, Inc.
1033 Yerba Buena Avenue # 3
Oakland, CA 94608-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Pacific Trenchless, Inc.,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005
Via Facsimile: (510) 562-5209

Michael R. Hester
McGuire and Hester
9009 Railroad Avenue
Oakland, CA 94603-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: McGuire and Hester,

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To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005
Via Facsimile: (510) 645-5899

Robert T. Nurisso
Broadway Mechanical Contractors, Inc.
2635 Peralta Street
Oakland, CA 94607-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Broadway Mechanical Contractors, Inc.,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

To our knowledge, your firm does not directly and routinely provide **Microtunneling and/or bore and jack installation of sewer carrier-pipes**. If your firm directly and routinely provides this service, please respond to us within the next five working days. Otherwise, we conclude that your firm does not provide Microtunneling and/or bore and jack installation of sewer carrier-pipes. Furthermore, if a certified local firm does not provide this specific trade, the City may consider adjustments to City's Small/Local Business Enterprise requirements.

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November 21, 2005

Via Facsimile: (510) 536-7834

Vanessa Orozco
Andes Construction, Inc.
5305 E. 12 Street
Oakland, CA 94601-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Andes Construction, Inc.,

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November 21, 2005
Via Facsimile: (510) 267-0848

Eric M. Foster
Swinerton Builders
One Kaiser Plaza, Suite 701
Oakland, CA 94610-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Swinerton Builders,

From time to time, the City of Oakland seeks verification from our certified firms on certain specialty work.

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November 21, 2005

Via Facsimile: (510) ~~632-3073~~ 632-0732

Milton Burlison
Monterey Mechanical Co.
8275 San Leandro St.
Oakland, CA 94621-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Monterey Mechanical Co.,

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November 21, 2005

Via Facsimile: (510) 839-4350

June Chambers
Northgate Environmental Management, Inc.
3629 Grand Avenue
Oakland, CA 94610-

Re: Microtunneling and/or bore and jack installation of sewer carrier-pipes

Attention: Northgate Environmental Management, Inc.,

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