

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY -1 PH 3:47

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community and Economic Development Agency
DATE: May 13, 2008

RE: **Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Blair Avenue and Wood Drive (Project No. C282870) For The Amount of Six Hundred Ninety-Five Thousand Five Hundred Fifty-Two Dollars (\$695,552.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$695,552.00 to Andes Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by Blair Avenue and Wood Drive (Project No. C282870). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 4 and is shown on the location map in *Attachment A*.

It is recommended that the resolution be approved.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction, Inc. in the amount of \$695,552.00. Funding for this project is available in the sewer service fund (3100); capital project sanitary sewer design organization (92244); sewers account (57417); rehabilitation of sanitary sewers in the area bounded by Blair Avenue and Wood Drive (Project No. C282870). These funds were specifically allocated for this project.

BACKGROUND

On March 3, 2008 the City Clerk received four bids for this project in the amounts of \$695,552.00, \$924,530.00, \$721,884.00 and \$1,007,370.00 as shown in *Attachment B*. The lowest bidder, Andes Construction, Inc. is deemed responsive and responsible and therefore is recommended for the award. The Engineer's estimate for the work is \$590,190.00.

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 reduce overflows and backups during wet weather.

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In general, the proposed work consists of rehabilitating/replacing approximately 4,808 lineal feet of 6" to 8" diameter sanitary sewer pipes; rehabilitating or replacing sewer structures; reconnecting house connection sewers; and other related work as indicated on the plans and specifications.

Under the proposed contract with Andes Construction, Inc., the SLBE participation of \$695,552.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$7,000.00 (100%) for trucking that exceeds the 20% Local Trucking participation goal. The contractor received 5% bid credit for LBE/SLBE preference, or \$34,778.00. 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 Division of Social Equity of the Department of Contracting and Purchasing and is shown in *Attachment C*.

The Contractor Performance Evaluation for Andes Construction from a previously completed project is attached as *Attachment D*.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in June 2008 and should be completed by October 2008. The project is located adjacent to a creek and all work must be completed by October 15, 2008. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 35 working days is exceeded. The project schedule is shown in *Attachment B*.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

Environmental: The replacement of the sanitary sewers will eliminate the possibility of sewer leakage and overflows and thus prevent potential harm to groundwater resources and the bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: This project is part of the citywide program to eliminate wastewater overflows thereby benefiting all Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities.

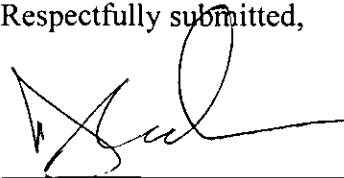
RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to the responsive and responsible bidder, Andes Construction Inc., in the amount of \$695,552.00 for the rehabilitation of sanitary sewers in the area bounded by Blair Avenue and Wood Drive (Project No. C282870). 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,



Dan Lindheim, Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director
Community & Economic Development Agency

Prepared by:
Marcel Uzegbu, P.E.
Supervising Civil Engineer
Engineering Design Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:

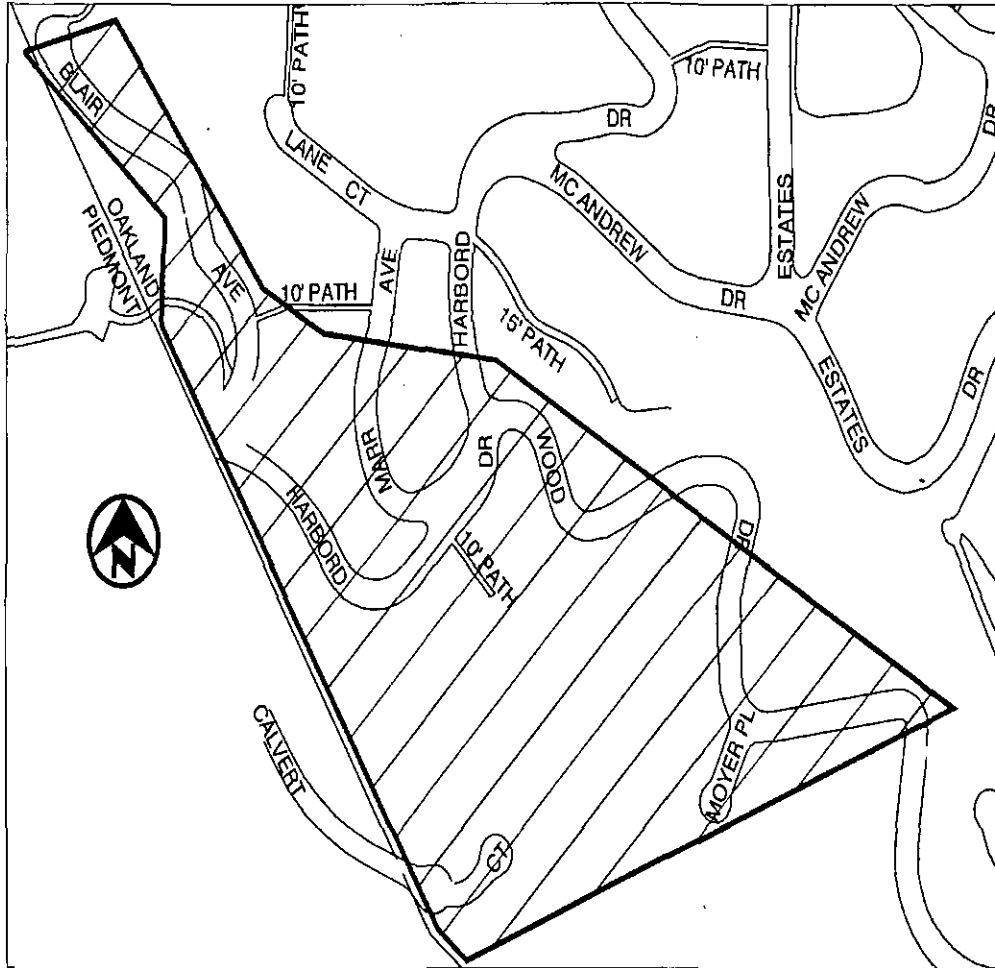


Office of the City Administrator

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Public Works Committee
May 13, 2008

Rehabilitation of Sanitary Sewers in the Area Bounded By Blair Ave and Wood Dr

CITY PROJECT NO. C282870



LOCATION MAP

NOT TO SCALE

 PROJECT BOUNDARY

Attachment B

**Rehabilitation of Sanitary Sewers in the Area Bounded By
Blair Avenue and Wood Drive
(Project No. C282870)**

List of Bidders

Company	Proposed Participation	Location	Bid Amount
Andes Construction	SLBE	Oakland	\$695,552.00
Pacific Trenchless, Inc.	SLBE	Oakland	\$924,530.00
Mosto Construction	SLBE	Oakland	\$721,884.00
Precision Engineering	SLBE	Oakland	\$1,007,370.00

Project Schedule

ID	Task Name	Start	Finish	'06				'07				'08				'09			
				4	1	2	3	4	1	2	3	4	1	2	3	4	1		
1	Project No. C282870	Tue 8/1/06	Mon 10/6/08																
2	Design	Tue 8/1/06	Tue 9/25/07																
3	Bid/Award	Mon 1/21/08	Tue 5/6/08																
4	Construction	Mon 6/16/08	Mon 10/6/08																



2008 MAR 21 PM 4:36

Memo

Department of Contracting and Purchasing (DC&P) Division of Social Equity

To: Gwen McCormick - Contract Administration Supervisor
From: Vivian Inman, Contract Compliance Officer
Through: Deborah Barnes, Director, DC&P *Deborah Barnes*
CC: Allen Law, Civil Engineer
Date: March 17, 2008
Re: C282870 - Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue - Rebid

On March 6, 2008, the Department of Contracting and Purchasing (DC&P)-- Division of Social Equity reviewed four (4) bids received in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Andes Construction, Inc.	\$695,552	100%	0%	100%	100%	100%	\$660,774	5%	2	Y
Pacific Trenchless, Inc.	\$924,530	100%	0%	100%	100%	100%	\$878,304	5%	2	Y

Comments: As noted above, Andes Construction, Inc. and Pacific Trenchless, Inc. exceeded the minimum 20% L/SLBE requirement. Both firms are EBO compliant.

NON-RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Bid Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Mosto Construction	\$721,884	0.28%	0%	0.28%	100%	0%	0%	0%	0	Y
Precision Engineering	\$1,007,370	0%	0%	0%	0%	0%	0%	0%	0	Y

Comments: Mosto Construction failed to meet the 20% L/SLBE requirement. Precision Engineering failed to meet the 20% L/SLBE and the 20% L/SLBE trucking requirement. Therefore, they are deemed non-responsive.

For Informational Purposes:

50% Local Employment Program(LEP)/15% Oakland Apprenticeship Program

The numbers listed below show total project hours; LEP hiring goal; actual resident employment; actual Oakland apprentice work hours; the 15% Apprenticeship utilization goal; and difference between the 15% Apprenticeship utilization goal and actual hours worked by Oakland apprentices.

Company Name	Total Hours	Resident Hours	LEP Goal Hours	Oakland Apprentice Hours	15% Apprentice Utilization Goal	15% Apprentice Shortfall
Andes Construction, Inc.	9,049.00	8,583.00	4,474.50	865	660.19	0
	100%	95.91%	50.00%	9.67%	7.50%	0.00%

Comments: Andes Construction, Inc. met the Local Employment Program 50% resident hiring goal with 95.91% resident employment and exceeded the 15% Apprenticeship Program utilization goal (adjusted for core employee utilization) with 9.67% Oakland apprentice employment on Project No. C158310-The Rehabilitation of Sanitary Sewers in the Area Bounded by Vallejo St., 667th St., San Pablo Av., Market St., and 59th St.

Should you have any questions or need additional information, please contact Vivian Inman at 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C282870

RE: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue - Rebid

CONSULTANT/CONTRACTOR: Andes Construction, Inc.

<u>Engineer's Estimate:</u> \$590,190	<u>Contractors' Bid Amount</u> \$695,552	<u>Over/Under Engineer's Estimate</u> \$105,362
<u>Bid discounted amount:</u> \$660,774	<u>Discount/Points:</u> 5%	

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES
 - a) % of LBE participation 0%
 - b) % of SLBE participation 100%

3. Did the contractor meet the Trucking requirement? YES
 - a) Total trucking participation 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 Contract Admin./Initiating Dept.

3/17/2008

Date

Reviewing Officer:

Vita Duma

Date:

3/17/08

Approved By

Shelley Darenburg

Date:

3/18/08

LBE/SLBE Participation Bidder 1

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue & Wood Drive - Rebid

Project No.: C282870		Engineer's Estimate: 590,190				Under/Over Engineers Estimate: 109,262								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only				
										Ethn.	MBE	WBE		
PRIME	Andes Construction, Inc.	Oakland	CB		683,552	683,552			683,552	H	\$683,552			
Saw Cutting	Bay Line Co	Oakland	CB		5,000	5,000			5,000	H	5,000			
Trucking	Irvin Trucking	Oakland	CB		7,000	7,000	7,000	7,000	7,000	AA	7,000			
Project Totals				\$0	\$695,552	\$695,552	\$7,000	\$7,000	\$695,552		\$695,552	\$0		
				0.00%	100%	100%	100%	100%	100%		100%	0%		
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 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				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						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C282870

RE: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue - Rebid

CONSULTANT/CONTRACTOR: Pacific Trenchless, Inc.

<u>Engineer's Estimate:</u> \$590,190	<u>Contractors' Bid Amount</u> \$924,530	<u>Over/Under Engineer's Estimate</u> \$334,340
<u>Bid discounted amount:</u> \$878,304	<u>Discount/Points:</u> 5%	

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement YES
 - a) % of LBE participation 0%
 - b) % of SLBE participation 100%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total trucking participation 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 Contract Admin./Initiating Dept.

3/17/2008

Date

Reviewing Officer:

Vivian Jamar

Date:

3/17/08

Approved By

Shelley Darenburg

Date:

3/18/08

LBE/SLBE Participation Bidder 3

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue & Wood Drive - Rebid

Project No.: C282870		Engineer's Estimate: 590,190				Under/Over Engineers Estimate: 334,340						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
TRUCKING	Pacific Trenchless, Inc.	Oakland	CB		924,130	924,130			924,130	C		
	Williams Trucking	Oakland	CB		400	400	400	400	400	AA	400	
Project Totals				\$0	\$924,530	\$924,530	\$400	\$400	\$924,530		\$400	\$0
				0%	100%	100%	100%	100%	100%		0.04%	0%
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 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C282870

RE: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue - Rebid

CONSULTANT/CONTRACTOR:

Mosto Construction

<u>Engineer's Estimate:</u> \$590,190	<u>Contractors' Bid Amount</u> \$721,884	<u>Over/Under Engineer's Estimate</u> \$131,694
<u>Bid discounted amount:</u> \$0	<u>Discount/Points:</u> 0%	

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement NO

a) % of LBE participation 0%

b) % of SLBE participation 0.28%

3. Did the contractor meet the Trucking requirement? YES

a) Total trucking participation 100%

4. Did the contractor receive bid discount points? NO

(If yes, list the points received) 0%

5. Additional Comments.

Mosto Construction failed to meet the City's 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

3/17/2008

Date

Reviewing Officer:

Vivian Jamar

Date: 3/17/08

Approved By

Shelley Darenberg

Date: 3/18/08

LBE/SLBE Participation Bidder 2

Project Name: **Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue & Wood Drive - Rebid**

Project No.: C282870		Engineer's Estimate: 590,190			Under/Over Engineers Estimate: 131,694							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn.	MBE	WBE
PRIME Trucking	Mosto Construction	Oakland	CB						719,884	H	\$719,884	
	Monroe Trucking	Oakland	CB		2,000	2,000	2,000	2,000	2,000	AA	2,000	
Project Totals				\$0	\$2,000	\$2,000	\$2,000	\$2,000	\$721,884		\$721,884	\$0
				0.00%	0.28%	0.28%	100%	100%	100%		100%	0%
Requirements: The 20% requirement is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				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								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C282870

RE: Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue - Rebid

CONSULTANT/CONTRACTOR: Precision Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$590,190	\$1,007,370	\$417,180
<u>Bid discounted amount:</u>	<u>Discount/Points:</u>	
\$0	0%	

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement NO
 - a) % of LBE participation 0%
 - b) % of SLBE participation 0%
3. Did the contractor meet the Trucking requirement? NO
 - a) Total trucking participation 0%
4. Did the contractor receive bid discount points? NO

(If yes, list the points received) 0%
5. Additional Comments.

Precision Engineering, inc. failed to meet the minimum 20% L/SLBE and trucking requirement. Therefore, they are deemed non-responsive.
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

3/17/2008

Date

Reviewing Officer:

Vivian Gunn

Date:

3/17/08

Approved By

Shelley Darenburg

Date:

3/18/08

LBE/SLBE Participation Bidder 4

Project Name: **Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue & Wood Drive - Rebid**

Project No.:		Engineer's Estimate		Under/Over Engineers Estimate:								
C282870		590,190		-590,190								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn:	MBE	WBE
PRIME	Precision Engineering	San Francisco	UB						1,007,370	C		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$1,007,370			\$0
				0.00%	0.00%	0.00%	100%	100%	100%		0.00%	0%
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 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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 of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION.

Project Title: REHABILITATION OF SANITARY SEWERS AND STORM
CULVERT IN THE ESTABLISHMENT OFF BUTTERS DRIVE

Work Order Number: C135410

Contractor: ANDES CONSTRUCTION

Date of Notice to Proceed: 9-11-07

Date of Notice of Completion: 12-10-07

Date of Notice of Final Completion: 12-10-07

Contract Amount: \$ 285,167.00

Evaluator Name and Title: JUD 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 is 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.

Contractor Evaluation Form Contractor: ANDES CONSTRUCTION Project No. C135410

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

Jim Ouellet 1-10-08
Resident Engineer / Date

Jim Murray 1-10-08
Supervising Civil Engineer / Date

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>.50</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.50</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>.40</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>.30</u> |
| 5. Enter Overall score from Question 28 | <u>2</u> | X 0.15 = | <u>.30</u> |

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

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.

Contractor Evaluation Form Contractor: ANDRES CONSTRUCTION Project No. C135410

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.

THE PROJECT WAS COMPLETED ON TIME AND ON BUDGET WITH MINIMUM IMPACT TO THE CREEK AND THE PROPERTY OWNERS AND ENVIRONMENTAL SERVICES WERE HAPPY WITH THE WORK. (SEE ATTACHED EMAIL)

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 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"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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 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 #8. If "Yes", complete (9a) below. #10			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input 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 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	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? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				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	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial 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"/>	

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.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

SAFETY


23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.					Yes	No
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"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.					Yes	No
26	26. Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.					Yes	No
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	No
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	1	2	3		
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

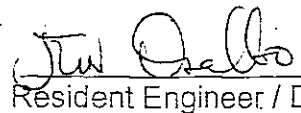
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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.*


4/3/08
Contractor / Date

 1-10-08
Resident Engineer / Date

 1-10-08
Supervising Civil Engineer / Date

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

City Attorney

2008 MAY -1 PM 3:07 **RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY BLAIR AVENUE AND WOOD DRIVE (PROJECT NO. C282870) FOR THE AMOUNT OF SIX HUNDRED NINETY-FIVE THOUSAND FIVE HUNDRED FIFTY-TWO DOLLARS (\$695,552.00)

WHEREAS, on March 3, 2008, four bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Area Bounded By Blair Avenue and Wood Drive (Project No. C282870); and

WHEREAS, Andes Construction, Inc. bidding as a prime, is the responsive and responsible lowest 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); Sewer Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue and Wood Drive (Project No. C282870) 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 goals; and

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

RESOLVED: That the contract for the Rehabilitation of Sanitary Sewers in the Area Bounded by Blair Avenue and Wood Drive (Project No. C282870) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated March 3, 2008 for the amount of Six Hundred Ninety-Five Thousand Five Hundred Fifty-Two Dollars (\$695,552.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$695,552.00, and the amount for a bond to guarantee payment of all claims for labor materials furnished and for the amount due under the Unemployment Insurance Act, \$695,552.00, with respect to such work are hereby approved; and be it

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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