CITY OF OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: Rehabilitation of Sanitary Sewers

DATE: June 3, 2019

City Administrator Approval

Date: 6/12/19

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Two Construction Contract Award Resolutions:

1. **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 83-002 (Project No. 1003231) And With Contractor's Bid In The Amount Of Three Million Two Hundred Forty-Seven Thousand Four Hundred Twenty-Five Dollars ($3,247,425.00).**

2. **Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Specifications For Sanitary Sewer Rehabilitation Sub-Basin 80-022 (Project No. 1001026) And With Contractor's Bid In The Amount Of Two Million One Hundred Seventy-Five Thousand Twenty Dollars ($2,175,020.00).**

EXECUTIVE SUMMARY

Approval of these resolutions will authorize the City Administrator or designee to execute a construction contract with Pacific Trenchless, Inc. in the amount of $3,247,425.00 and a construction contract with Andes Construction, Inc. in the amount of $2,175,020.00. The work to be completed under the two projects 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 areas are shown in ***Attachment A1 and Attachment A2.***

BACKGROUND / LEGISLATIVE HISTORY

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

Item: _____
Public Works Committee
June 25, 2019

1. *Sanitary Sewer Rehabilitation Sub-Basin 83-002 (Project No. 1003231)*: The proposed work consists of rehabilitating approximately 13,003 linear feet of existing 6-inch to 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 works as indicated on the plans and specifications.

2. *Sanitary Sewer Rehabilitation Sub-Basin 80-022 (Project No. 1001026)*: The proposed work consists of rehabilitating approximately 6,878 linear feet of existing 8-inch to 20-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 works as indicated on the plans and specifications.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will allow the City Administrator or designee to execute a construction contract with Pacific Trenchless, and a construction contract with Andes Construction Inc. for sewer rehabilitation projects as follows:

1. *Sanitary Sewer Rehabilitation Sub-Basin 83-002 (Project No. 1003231).* On March 7, 2019, the City Clerk received two bids for this project in the amounts of $3,247,425.00 and $3,525,027.00 as shown in ***Attachment B***. Pacific Trenchless, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award.

   Under the proposed contract with Pacific Trenchless, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 88.85 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 C1***.

   Construction is scheduled to begin in September 2019 and should be completed by March 2020. 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 $3,363,000. Staff has reviewed the submitted bids for the work and has determined that the bid is responsive and reasonable.

2. *Sanitary Sewer Rehabilitation Sub-Basin 80-022 (Project No. 1001026).* On April 25, 2019, the City Clerk received two bids for this project in the amounts of $2,175,020.00 and $2,470,245.00 as shown in ***Attachment B***. Andes Construction, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award.

   Under the proposed contract with Andes Construction, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 84.98 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 C2***.

Construction is scheduled to begin by the end of August 2019 and should be completed by December 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 $1,933,538. Staff has reviewed the submitted bids for the work and has determined that the bid is responsive and reasonable.

FISCAL IMPACT

Funding for both projects are available in the Fiscal Year (FY) 2018-19 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Project No. 1003231 and 1001026. 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 this project. Prior to starting work, residents who are affected by the work will be notified individually of the work schedule, and planned activities, and will receive the 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 the Environment, and the Contracts and Compliance Division of the City Administrator's Office. In addition, the Office of the City Attorney and the Budget Bureau have reviewed this report and resolution.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Pacific Trenchless Inc. and Andes Construction Inc. from a previously completed project are satisfactory and are included in ***Attachment D1 and Attachment D2***, respectively.

SUSTAINABLE OPPORTUNITIES

Economic: The contractors are verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are 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, which will result in funds being spent locally.

Environmental: Replacing sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project is part of the citywide program to eliminate wastewater discharges and overflows, thereby benefiting all Oakland residents with decreased sewer overflows and improved infrastructure.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt resolutions to award two contracts as follows:

1. A construction contract to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, in accordance with project specifications for sanitary sewer rehabilitation sub-basin 83-002 (Project No. 1003231) and with contractor's bid in the amount of three million two hundred forty-seven thousand four hundred twenty-five dollars ($3,247,425.00).

2. A construction contract to Andes Construction, Inc., the lowest responsive and responsible bidder, in accordance with project specifications for sanitary sewer rehabilitation sub-basin 80-022 (Project No. 1001026) and with contractor's bid in the amount of two million one hundred seventy-five thousand twenty dollars ($2,175,020.00).

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

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

Prepared by:
Wen Chen, P.E., Supervising Civil Engineer
Wastewater Engineering Management Division

Attachments (7):

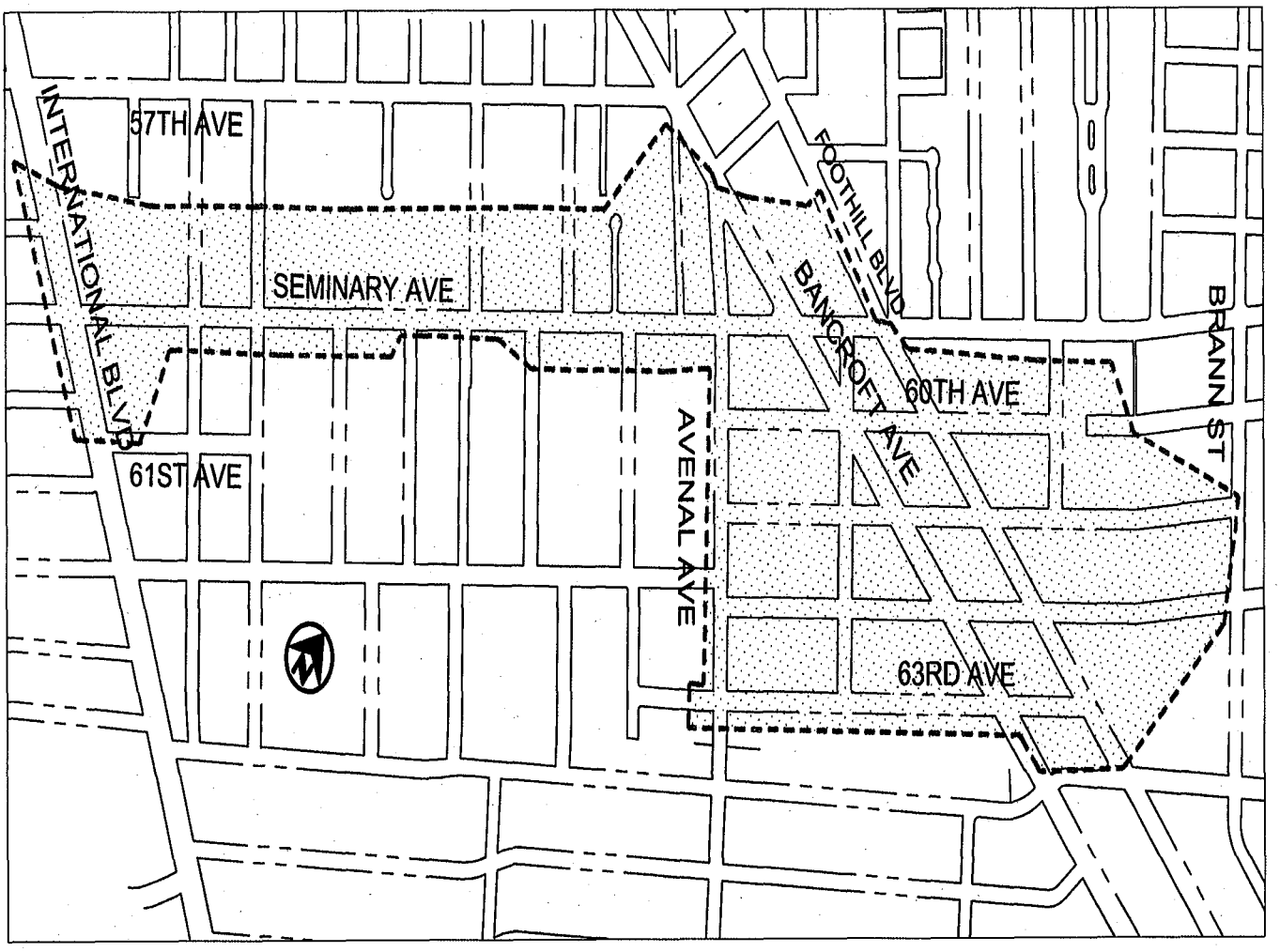
A1 & A2: Project Location Map
B: List of Bidders and Project Construction Schedule
C1 & C2: Contracts & Compliance Unit Compliance Evaluation
D1 & D2: Contractor Performance Evaluation

Item: _____
Public Works Committee
June 25, 2019

Attachment A1

SANITARY SEWER REHABILITATION
(SUB-BASIN 83-002)

CITY PROJECT NO. 1003231

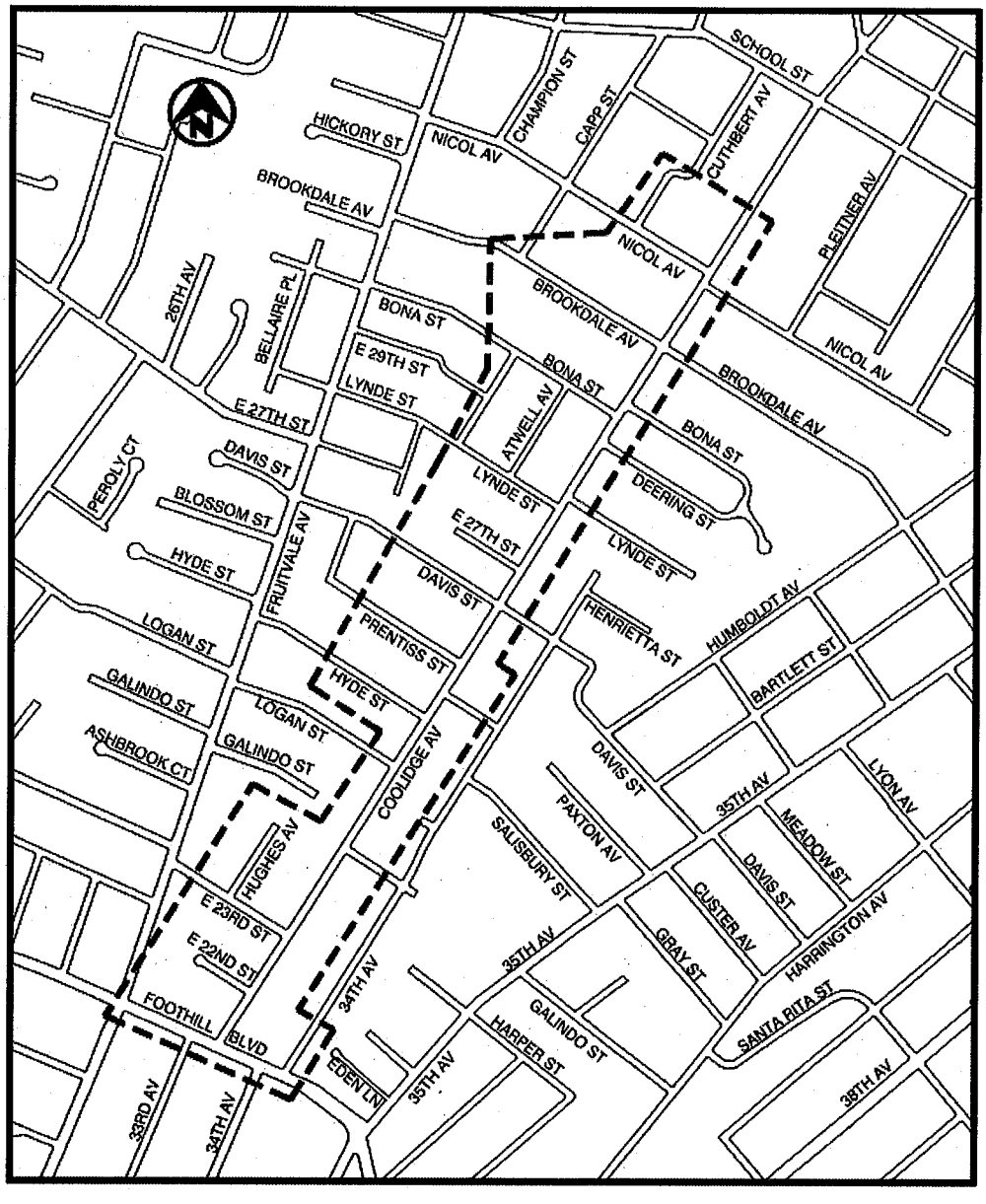


LOCATION MAP
NOT TO SCALE
LIMIT OF WORK

Attachment A2

SANITARY SEWER REHABILITATION (SUB-BASIN 80-022)

CITY PROJECT NO. 1001026



LOCATION MAP

LIMIT OF WORK

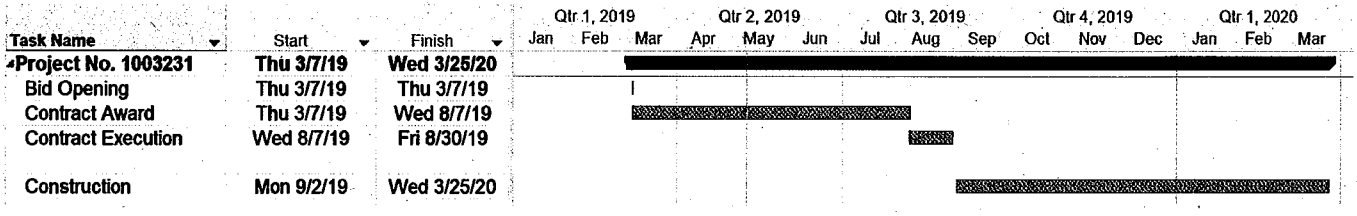
Attachment B

List of Bidders

1003231

Company	Location	Bid Amount
Engineer's Estimate	-	$3,363,000.00
Pacific Trenchless, Inc.	Oakland, CA	$3,247,425.00
Andes Construction, Inc.	Oakland, CA	$3,525,027.00

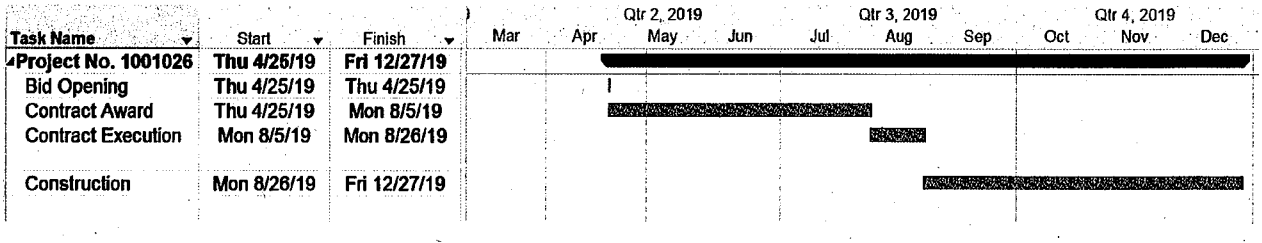
Project Construction Schedule



1001026

Company	Location	Bid Amount
Engineer's Estimate	-	$1,933,538.00
Andes Construction, Inc.	Oakland, CA	$2,175,020.00
Pacific Trenchless, Inc.	Oakland, CA	$2,470,245.00

Project Construction Schedule



Attachment C1

CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: David Ng, Civil Engineer

FROM: Deborah Barnes, Director
Contracts & Compliance

THROUGH: Shelley Darensburg, Senior
Contract Compliance Officer

PREPARED BY: Sophany Hang,
Contract Compliance Officer

SUBJECT: **Sanitary Sewer Rehabilitation (Sub-Basin 83-002) Project Project No. 1003231**

DATE: March 21, 2019

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive 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	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Pacific Trenchless	$3,247,425	90.45% *92.05%	0%	88.85%	*1.60%	100%	*92.05%	5%	$3,085,053.75	Y
Andes Construction	$3,525,027	89.45% *91.21%	0%	87.69%	*1.76%	100%	*91.21%	5%	$3,348,775.65	Y

***Double Counted for Very Small Local Business Enterprises (VSLBEs)**

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

CITY OF OAKLAND

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.

	50% Local Employment Program (LEP)								15% Apprenticeship Program				
Total Project Hours	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	
A	*B*	*C*		*D*		*E*	*F*	*G*	*H*	*I*		*J*	
		Goal	Hours	Goal	Hours					Goal	Hours		
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 Sophany Hang at (510) 238-3723.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. 1003231

RE: Sanitary Sewer Rehabilitation (Sub-Basin 83-002)

CONTRACTOR: Pacific Trenchless

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$3,293,656.00	$3,247,425.00	($46,231.00)

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
$3,085,053.75	$162,371.25	5.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**
   - a) % of LBE participation **0.00%**
   - b) % of SLBE participation **88.85%**
   - c) % of VSLBE participation ***1.60%** (Double Counted Value is 3.20%)

3. Did the contractor meet the Trucking requirement? **YES**
   - a) Total L/SLBE trucking participation **100.00%**
   - a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**

   (If yes, list the points received) **5%**

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 1.60%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirment. Therefore, the VSLBE/LPG value is 3.20%.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/21/2019

Reviewing Officer: _____ **Date:** 3/21/2019

Approved By: Shelley Darensburg **Date:** 3/21/2019

LBE/SLBE Participation
Bidder 1

Project Name:	Sanitary Sewer Rehabilitation (Sub-Basin 83-002)													
Project No.:	1003231	Engineer's Estimate		3,363,000.00		Under/Over Engineers Estimate:		115,575.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Pacific Trenchless	Oakland	CB		2,860,425.00		2,860,425.00				2,860,425.00	C		
Trucking	All City Trucking	Oakland	CB		25,000.00		25,000.00		25,000.00	25,000.00	25,000.00	AI	25,000.00	
CIPP Lining	Christined Bros. Lining	San Jose	UB								39,000.00	C		
AC Grind & Pave	MCK Services Inc.	Martinez	UB								100,000.00	C		
HDPE Pipe	P & F Distributors	Brisbane	UB								140,000.00	C		
Manhole Lining	Contech of California	Stockton	UB								14,000.00	C		
Class II AB	Argent Materials	Oakland	CB			19,000.00	19,000.00				19,000.00	C		
Drain Rock	Argent Materials	Oakland	CB			15,000.00	15,000.00				15,000.00	C		
As[halt	Gallagher & Burk	Oakland	CB			18,000.00	18,000.00				18,000.00	C		
Pipe Cooling	Mission Clay Products	Oakland	UB								11,000.00	C		
Survey	Benchmarking Eng. Inc.	Modesto	UB								6,000.00	C		
Project Totals				0.00	2,885,425.00	52,000.00	2,937,425.00	0.00	25,000.00	25,000.00	3,247,425.00		25,000.00	0.00
				0.00%	88.85%	1.60%	90.45%	0.00%	100.00%	100.00%	100.00%		0.77%	0.00%

Requirements:
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

Legend

LBE = Local Business Enterprise
SLBE = Small Local Business Enterprise
VSLBE-Very Small Local Business Enterprise
LPG = Locally Produced Goods
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

Ethnicity
AA = African American
A = Asian
AI = Asian Indian
AP = Asian Pacific
C = Caucasian
AP - Asian Pacific
H = Hispanic
NA = Native American
O = Other
NL = Not Listed

** Proposed VSLBE/LPG particiation is valued at 1.60%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. 1003231

RE: Sanitary Sewer Rehabilitation (Sub-Basin 83-002)

CONTRACTOR: Andes Construction, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$3,363,000.00	$3,525,027.00	$162,027.00

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
$3,348,775.65	$176,251.35	5.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**
   - a) % of LBE participation **0.00%**
   - b) % of SLBE participation **87.69%**
   - c) % of VSLBE participation **1.76%** **(Double Counted Value is 3.52%)**

3. Did the contractor meet the Trucking requirement? **YES**
   - a) Total L/SLBE trucking participation **0.00%**
   - a) Total VSLBE trucking participation **100.00%**

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

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 1.76%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirment. Therefore, the VSLBE/LPG value is 3.52%.

6. Date evaluation completed and retumed to Contract Admin./Initiating Dept. 3/21/2019 Date

Reviewing Officer: _____ **Date:** 3/21/2019

Approved By: Shelley Darensburg **Date:** 3/21/2019

LBE/SLBE Participation
Bidder 2

Project Name: Sanitary Sewer Rehabilitation (Sub-Basin 83-002)

Project No.: 1003231 | **Engineer's Estimate** 3,363,000.00 | **Under/Over Engineers Estimate:** 162,027.00

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Andes Construction, Inc.	Oakland	CB		3,091,027.00		3,091,027.00				3,091,027.00	H	3,091,027.00	
Trucking	Foston Trucking	Oakland	CB			35,000.00	35,000.00		35,000.00	35,000.00	35,000.00	AA	35,000.00	
Saw Cutting	Bayline Cutting	Berkeley	UB								20,000.00	H	20,000.00	
MH Precast	Old Castle	Pleasanton	UB								17,000.00	C		
MH Rehab	Contech of California	Stockton	UB								22,000.00	C		
HDPE Pipe	P & F Distributors	Brisbane	UB								100,000.00	C		
AB	Inner City	Oakland	UB								25,000.00	C		
MH Survey	Benchmark	Modesto	UB								12,000.00	C		
CIPP	Masterliner	Hammond	UB								16,000.00	C		
Resia	Compocites	Sacramento	UB								10,000.00	C		
AC	Gallagher & Burk	Oakland	CB			27,000.00	27,000.00				27,000.00	C		
AC Grinding	QA Constructors	Hayward	UB								150,000.00	NL		
Project Totals				0.00	3,091,027.00	62,000.00	3,153,027.00	0.00	35,000.00	35,000.00	3,525,027.00		3,146,027.00	0.00
				0.00%	87.69%	1.76%	89.45%	100.00%	0.00%	100.00%	100.00%		89.25%	0.00%

Requirements:
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

Ethnicity
AA = African American
A = Asian
AI = Asian Indian
AP = Asian Pacific

Attachment C2

INTER OFFICE MEMORANDUM

CITY OF OAKLAND

TO: Gunawan Santoso, Civil Engineer

FROM: Deborah Barnes, Director, Contracts & Compliance

THROUGH: Shelley Darensburg, Senior Contract Compliance Officer

PREPARED BY: Vivian Inman, Contract Compliance Officer

SUBJECT: **Compliance Analysis Sanitary Sewer Rehabilitation of Sub-Basin 80-022**

DATE: May 13, 2019

The City Administrator's Office, Contracts and Compliance Unit, reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains Pre and Post Construction Monument Verification specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 50% L/SLBE requirement.

The spreadsheet below is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).

Responsive				Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	*VSLBE/ LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	*B*	*C*						*D*	*E*	*F*	
Andes Construction	$2,175,020	$4,500	$2,170,520	87.05%	0%	84.98%	2.07% *4.14%	100%	89.12%	5%	$2,066,494	Y
Pacific Trenchless	$2,470,245	$3,750	$2,048,378	91.08%	0%	89.58%	1.50% *	100%	92.58%	5%	$2,367,826	Y

***Double counted VSLBE value**

Comments: As noted above, both firms exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant. Per the L/SLBE program VSLBE/LPG participation has been double counted towards meeting the requirement.

For Informational Purposes

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

Contractor Name: Andes Construction
Project Name: Rehabilitation of Sanitary Sewers in Area Bounded by MacArthur, Pleitner, Nicol, Berlin and Curran Avenue
Project No: C276210

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.

	50% Local Employment Program (LEP)							15% Apprenticeship Program				
Total Project Hours	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	
A	*B*	*C*		*D*		*E*	*F*	*G*	*H*	*I*		*J*	
		Goal	Hours	Goal	Hours					Goal	Hours		
16376	8188	50%	5094	100%	14304	0	0	100%	3046	15%	2556	0	

Comments: Andes Construction **exceeded** the Local Employment Program's 50% resident hiring goal with **100%** resident employment and met the 15% Oakland Apprenticeship Program goals with 1523 on-site hours and 1523 off-site hours.

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

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: 1001026

PROJECT NAME: Sanitary Sewers Rehabilitation of Sub Basin 80-022

CONTRACTOR: **Pacific Trenchless, Inc.**

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$1,993,538	$2,470,245	$3,750	($476,707)

Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt.	Discount Points:
$2,367,826	$102,419	$2,048,378	5%

1. Did the 50% requirements apply? **YES**

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

   b) % of LBE participation **0.00%**
   c) % of SLBE participation **89.58%**
   d) % of VSLBE/LPG participation **1.50%** (Double counted value is 3.0%)

3. Did the contractor meet the Trucking requirement? **YES**

   a) Total SLBE/LBE trucking participation **100%**

4. Did the contractor receive bid discounts? **YES**

   (If yes, list the percentage received) **5%**

5. Additional Comments.

For this project, bid item number 23, Pre and Post Construction Monument Verification is specialty work and was excluded from thet total bid price for the purposes of determining compliance with the 20% L/SLBE requirement. The Proposed VSLBE/LPG participation is valued at 1.50%, however per the L/sLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 3.0%.

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

5/13/2019
Date

Reviewing Officer: _____ **Date:** 5/13/2019

Approved By Shelley Darensburg **Date:** 5/13/2019

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Sanitary Sewers Rehabilitation of Sub-Basin 80-022

Project No.:	1001026	Engineers Est:	1,993,538			Under/Over Engineers Estimate:				-476,707			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
												Ethn.	MBE	WBE
PRIME	Pacific Trenchless, Inc.	Oakland	CB		2,195,495		2,195,495			2,195,495	2,199,245	C		
Trucking	All City Trucking	Oakland	CB		14,000		14,000	14,000	14,000	14,000	14,000	AI	14,000	
CIPP Lining	Christian Bros Lining	Fairfield	UB							44,000	44,000	C		
AC Grind & Pave	MCK Services, Inc.	Martinez	UB							72,000	72,000	C		
HDPE Pipe	P&F Distributors	Brisbane	UB							88,000	88,000	C		
Manhole Lining	Contech of California	Stockton	UB							11,000	11,000	C		
Class II AB	Argent Materials	Oakland	CB			13,000	13,000			13,000	13,000	C		
Drain Rock	Argent Materials	Oakland	CB			9,000	9,000			9,000	9,000	C		
Asphalt	Gallagher & Burk	Oakland	CB			15,000	15,000			15,000	15,000	C		
Pipe Coupling	Mission Clay Products	Oakland	UB							5,000	5,000	C		
Project Totals				$0	$2,209,495	$37,000	$2,246,495	$14,000	$14,000	$2,466,495	$2,470,245		$14,000	$0
				0.00%	89.58%	1.50%	91.08%	100%	100%	100%	100%		0.57%	0%
				LBE 10%	SLBE 10%		TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING						

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.

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

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

* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

**Proposed VSLBE/LPG participation is valued at 1.50%, howevre per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the rquirement. Double counted percentage is reflected on the evaluation form and cover memo.

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: 1001026

PROJECT NAME: Sanitary Sewers Rehabilitation of Sub Basin 80-022

CONTRACTOR: Andes Construction Inc.

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$1,993,538	$2,175,020	$4,500	($181,482)

Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt.	Discount Points:
$2,066,494	$108,526	$2,170,620	5%

1. Did the 50% requirements apply? **YES**

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

   a) % of LBE participation **0.00%**
   b) % of SLBE participation **84.98%**
   c) % of VSLBE/LPG participation **2.07%** (Double counted value is 4.14%)

3. Did the contractor meet the Trucking requirement? **YES**

   a) Total SLBE/LBE trucking participation **100%**

4. Did the contractor receive bid discounts? **YES**

   (If yes, list the percentage received) **5%**

5. Additional Comments.

For this project, bid item number 23, Pre and Post Construction Monument Verification is specialty work and was excluded from thet total bid price for the purposes of determining compliance with the 20% L/SLBE requirement. The Proposed VSLBE/LPG participation is valued at 2.07%, however per the L/sLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 4.14%.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. **5/13/2019** Date

Reviewing Officer: _____ **Date:** 5/13/2019

Approved By: _____ **Date:** 5/13/2019

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Sanitary Sewers Rehabilitation of Sub-Basin 80-022

Project No.:	1001026	Engineers Est:	1,993,538				Under/Over Engineers Estimate:				-181,482			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
												Ethn.	MBE	WBE
PRIME	Andes Construction Inc.	Oakland	CB		1,844,520		1,844,520			1,844,520	1,849,020	H	1,849,020	
Trucking	Foston Trucking	Oakland	CB			45,000	45,000	45,000	45,000	45,000	45,000	AA	45,000	
Saw Cutting	Bayline	Oakland	UB							10,000	10,000	H	10,000	
MH Precast	Old Castle	Pleasanton	UB							40,500	40,500	C		
AB-Dr	Inner City Demolition	Oakland	UB							15,000	15,000	C		
Ac	Hanson Aggregate	Berkeley	UB							11,000	11,000	C		
Surveying	Benchmark Eng.	Modesto	UB							5,500	5,500	C		
QA Construction	AC Grinding & Paving	Hayward	UB							100,000	100,000	C		
CIPP Felt	Master Liner	Hammond	UB							10,000	10,000	C		
Resin	Composites One	W. Sacramento	UB							9,000	9,000	C		
HDPE	P&F	Brisbane	UB							80,000	80,000	C		
Project Totals				$0	$1,844,520	$45,000	$1,889,520	$45,000	$45,000	$2,170,520	$2,175,020		$1,904,020	$0
				0.00%	84.98%	2.07%	87.05%	100%	100%	100%	100%		87.54%	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%		TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING*		

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

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

* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with mininum 20% L/SLBE participation requirement.

**Proposed VSLBE/LPG participation is valued at 2.07%, howevre per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the rquirement. Double counted percentage is reflected on the evaluation form and cover memo.

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?	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes ☑	No ☐	N/A ☐
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes ☐	No ☑
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.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
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 ☐	1 ☐	2 ☑	3 ☐	

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)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	☐	☐	☑	☐	☐
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 ☐	No ☐	N/A ☑
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.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes ☐	No ☑
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 ☐	1 ☐	2 ☑	3 ☐	

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).	☐	☐	☑	☐	☐
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 ☐	No ☑
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).	☐	☐	☑	☐	☐
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes ☐	No ☑
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 ☐	1 ☐	2 ☑	3 ☐	

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.	☐	☐	☑	☐	☐
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.	☐	☐	☑	☐	☐
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☑	☐	☐
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☑	☐	☐
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes ☐	No ☑
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes ☐	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 ☐	1 ☐	2 ☑	3 ☐	

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 ☑	No ☐
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☑	☐	☐
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes ☐	No ☑
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 ☐	

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	2	X 0.25 =	0.5
2. Enter Overall score from Question 13	2	X 0.25 =	0.5
3. Enter Overall score from Question 18	2	X 0.20 =	0.4
4. Enter Overall score from Question 22	2	X 0.15 =	0.3
5. Enter Overall score from Question 28	2	X 0.15 =	0.3

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.*

04/27/17
Contractor / Date

3/28/17
Resident Engineer / Date

3/28/17
Supervising Civil Engineer / Date

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.

Attachment D2

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: C329149 Rehab of Sanitary Sewer bounded by Mountain Blvd, Berneves Ct, Redwood Rd, & Sereno Circle (basin 83-502)

Work Order Number (if applicable): _____
Contractor: Andes Construction, Inc
Date of Notice to Proceed: 01/25/2016

Date of Notice of Substantial Completion: N/A

Date of Notice of Final Completion: 01/19/2017

Contract Amount: $2,126,470.00

Evaluator Name and Title: Joseph Fermanian, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	☐	☐	☒	☐	☐
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.	☐	☐	☒	☐	☐
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.	☐	☐	☒	☐	☐
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes ☐	No ☒	N/A ☐
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☒	☐	☐
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.	☐	☐	☒	☐	☐
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes ☐	No ☒
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.	☐	☐	☐	☒	☐
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.	☐	☐	☒	☐	☐
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 ☐	1 ☐	2 ☒	3 ☐	

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)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	☐	☐	☒	☐	☐
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 ☐	No ☒	N/A ☐
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.	☐	☐	☐	☐	☒
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.	☐	☐	☒	☐	☐
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.	☐	☐	☒	☐	☐
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes ☐	No ☒
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 ☐	1 ☐	2 ☒	3 ☐	

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).	☐	☐	☒	☐	☐
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 ☐	No ☒
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).	☐	☐	☒	☐	☐
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes ☐	No ☒
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 ☐	1 ☐	2 ☒	3 ☐	

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.	☐	☐	☒	☐	☐
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.	☐	☐	☒	☐	☐
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes ☐	No ☒
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes ☐	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 ☐	1 ☐	2 ☒	3 ☐	

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 ☒	No ☐
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes ☐	No ☒
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 ☐	

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 ____2____ X 0.25 = ____0.5____
2. Enter Overall score from Question 13 ____2____ X 0.25 = ____0.5____
3. Enter Overall score from Question 18 ____2____ X 0.20 = ____0.4____
4. Enter Overall score from Question 22 ____2____ X 0.15 = ____0.3____
5. Enter Overall score from Question 28 ____2____ X 0.15 = ____0.3____

TOTAL SCORE (Sum of 1 through 5): ____2____

OVERALL RATING: ____Satisfactory____

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.*

11-20-17
Contractor / Date

11/13/2017
Resident Engineer / Date

11-13-2017
Supervisor / Date

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JUN 13 PM 2:37

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION NO._____C.M.S.

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 83-002 (PROJECT NO. 1003231) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION TWO HUNDRED FORTY-SEVEN THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS ($3,247,425.00)

WHEREAS, on March 7, 2019, two bids were received by the Office of the City Clerk of the City of Oakland for Sanitary Sewer Rehabilitation Sub-Basin 83-002 (Project No. 1003231); 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. 1003231; $3,247,425.00; 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 83-002 (Project No. 1003231) to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, in the amount of $3,247,425.00 in accord with plans and specifications for the project and with contractor's bid dated March 7, 2019; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, $3,247,425.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, $3,247,425.00, 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 returning 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