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OFFICE OF THE CITY CLERK
OAKLAND
2015 JAN 29 PM 1:06

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin

SUBJECT: Rehab of Sanitary Sewers

DATE: January 5, 2015

City Administrator
Approval

Date:

1/23/15

COUNCIL DISTRICT: 2, 3, 5

RECOMMENDATION

Staff recommends that the City Council adopt the following two contract award resolutions:

- 1) Resolution awarding a construction contract to Beliveau Engineering Contractor, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for the rehabilitation of sanitary sewers at Lakeside Park Pump Station (Project No. C267640) and with contractor's bid in the amount of One Hundred Eighty Thousand One Hundred Dollars (\$180,100.00)
- 2) Resolution rejecting all bids, waiving further advertising and competitive bidding, and authorizing the City Administrator, or Designee, to negotiate with bidders and execute a construction contract for the rehabilitation of sanitary sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143) in an amount up to Two Million Five Hundred Seventy- Six Thousand Fifty- Three Dollars (\$2,576,053.00)

OUTCOME

Approval of these resolutions will authorize the City Administrator to execute a construction contract with Beliveau Engineering Contractors, Inc. in the amount of \$180,100.00 and to reject all bids received for the rehabilitation of sanitary sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143), waive further competitive bidding and authorize the City Administrator to negotiate with bidders and execute a construction contract in an amount up to \$2,576,053.00. An explanation for the recommendations are provided in the 'Analysis' section of this report. The work to be completed under these projects is part of the City's annual Sanitary Sewer Rehabilitation program and is required under a Consent Decree entered into between the City, and

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Environmental Protection Agency (EPA). The work is located in Council Districts 2, 3, and 5 as shown in *Attachment A1* and *A2*.

BACKGROUND/LEGISLATIVE HISTORY

- 1. The Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station (Project No. C267640):** The proposed work consists, in general, of removal of the existing sanitary sewer pumps, excavation, dewatering, shoring and installation of a pre-engineered and pre-fabricated complete pump station system with associated electrical and alarm systems, precast holding tank, and other items of work.

On November 6, 2014, the City Clerk received two bids for this project in the amount of \$180,100.00 and \$191,000.00. Beliveau Engineering Contractor, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$170,250.00.

Company	<i>Bid Amount</i>
Engineer's Estimate	\$170,250.00
Beliveau Engineering Contractor, Inc.	\$180,100.00
Bay Construction	\$191,000.00

- 2. The Rehabilitation of Sanitary Sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143):** The proposed work consists, in general, of the rehabilitation of 16,727 linear feet of existing sanitary sewer pipes by pipe-expanding method; rehabilitating sewer structures; reconnecting house connecting sewers; and other work specifically shown on the project plans or included in the Special Provisions.

On November 6, 2014; the City Clerk received three bids for this project in the amount of \$2,576,053.00, \$2,737,081.00 and \$2,980,828.00. Andes Construction, Inc. was the lowest bidder but its trucking subcontractor had an expired City of Oakland trucking certification. The trucking required for this project accounts for 0.1% of the project and is considered insignificant to the total project cost. Further, the trucking subcontractor has since renewed its trucking certification. Staff has consulted with the Contract Compliance Office and the City Attorney, and recommends the City Council reject all bids, waive further competitive bidding and authorize the City Administrator to negotiate with bidders, starting with Andes Construction, Inc., and execute a construction in the amount of Two Million Five Hundred Seventy- Six Thousand Fifty-Three Dollars

(\$2,576,053.00). The Engineer's estimate for the work is \$2,531,165.00. It is anticipated this negotiation will result in a contract fully compliant with City Programs and for the amount originally bid.

Company	Bid Amount
Engineer's Estimate	\$2,531,165.00
Andes Construction, Inc.	\$2,576,053.00
Pacific Trenchless, Inc.	\$2,737,081.00
J. Howard Engineering	\$2,980,828.00

ANALYSIS

Adoption of these resolutions will allow the City Administrator or designee to execute a construction contract with Beliveau Engineering Contractors, Inc., and to negotiate a construction contract with Andes Construction, Inc., for sewer rehabilitation at various locations as follows:

- 1. The Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station (Project No. C267640):** Under the proposed contract with Beliveau Engineering Contractor, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 68.97%, which exceeds the City's 50% LBE/SLBE requirement. The contractor shows (100%) for L/SLBE. Trucking participation, exceeding the 50% requirement. 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 Social Equity Division of the Department of Contracting and Purchasing, and is shown in *Attachment CI*.

Construction is scheduled to begin in March 2015 and should be completed by May 2015. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 45 working days. The project schedule is shown in *Attachment B*.

- 2. Sewers in the area bounded by Park Boulevard, Hollywood Avenue, SunnyHills Road, and Brighton Avenue (Project No. C329143):** Under a contract with Andes Construction, Inc., the apparent low bidder, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 92.97%, which exceeds the City's 50% LBE/SLBE requirement. The contractor will also have 100% L/SLBE trucking

participation exceeding the 50% requirement. The trucking subcontractor did not have its trucking certification but has since renewed. 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 Social Equity Division of the Department of Contracting and Purchasing, and is shown in *Attachment C2*.

Construction is scheduled to begin in March 2015 and should be completed by August 2015. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 120 working days. The project schedule is shown in *Attachment B*.

Rebidding project C329143 will incur additional time and cost. The project is mandated by the Regional East Bay Sewer Consent Decree of 2014. The re-bid process will compress the completion time and possibly affect meeting the Sewer Consent Decree deadlines. The trucking required for this project accounts for 0.1% of the project and is considered insignificant to the total project cost. As a result, staff recommends that it is in the best interest of the City to reject all bids and waive further advertising and competitive bidding requirements in accordance with the Oakland Municipal Code Section 2.04.050 I5, and authorize the City Administrator to negotiate and execute a construction contract in a timely manner.

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer flows during storm events. These projects are part of the City-wide program to improve pipe conditions and reduce wet weather peak flows in sanitary sewer system. Staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction climate.

PUBLIC OUTREACH/INTEREST

The Home Owner Associations, Merchants Associations and residents in easements area have been notified in writing about this project. During construction, notifications will be sent to residents and businesses in advance of construction with information about planned construction activities, schedule, and the contact information.

COORDINATION

The work to be done under these contracts was coordinated with:

- Oakland Public Works – Bureau of Infrastructure and Operations
- Oakland Public Works – Paving Program
- In addition, the following reviewed this report and resolutions:
 - Office of the City Attorney
 - City Budget Office
 - Contracts and Compliance Division

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

FUNDING SOURCE	AMOUNT
The Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station (Project No. C267640)	\$180,100.00
The Rehabilitation of Sanitary Sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143)	\$2,576,053.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$2,756,153.00

3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C267640	\$180,100.00
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C329143	\$2,576,053.00

4. FISCAL IMPACT:

Approval of the four resolutions will authorize the City Administrator to execute construction contracts in the amount of \$180,100.00 and \$2,576,053.00. These projects will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area, and reduce ongoing maintenance costs.

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PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Beliveau Engineering Contractors, Inc. from a previously completed project is satisfactory and is included as *Attachment D1*.

The Contractor Performance Evaluation for Andes Construction, Inc. from a previously completed project is satisfactory and is included as *Attachment D2*.

SUSTAINABLE OPPORTUNITIES

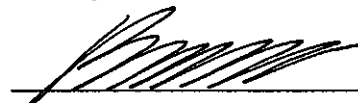
Economic: The contractors are all verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in dollars being spent locally.

Environmental: Replacing sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. Replacement of the sanitary sewers will reduce sanitary sewer flows during storm events and will comply with EPA. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. 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 overflows, thereby benefiting all Oakland residents.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager at (510) 238-6601.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works Department

Reviewed by:
Michael J Neary, P E , Assistant Director
Bureau of Engineering and Construction

Reviewed by:
Gus Amirzehni, P.E., Engineering Design and R.O.W.
Division Manager

Prepared by:
Jimmy Mach, P.E., Supervising Civil Engineer
Engineering Design and R.O.W Management Division

Attachments:

- Attachment A1 and A2 – Project Location Map
- Attachment B – Project Construction Schedule
- Attachment C1 and C2 – Contracts & Compliance Unit Compliance Evaluation
- Attachment D1 and D2– Contractor Performance Evaluation

Attachment A

Attachment A1

PLANS FOR THE REHABILITATION OF SANITARY SEWERS AT LAKESIDE PARK PUMP STATION

CITY PROJECT NO. C267640



LOCATION MAP

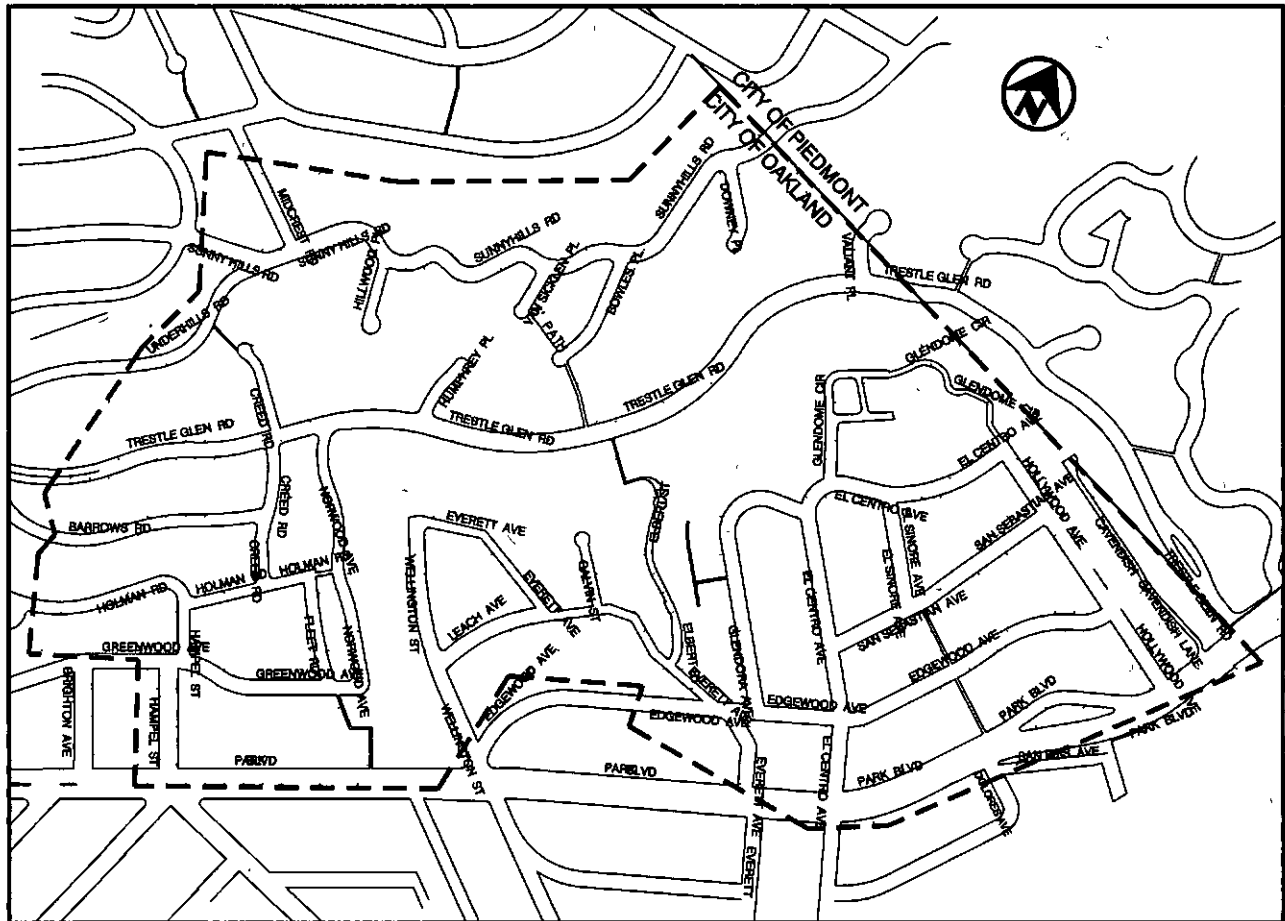
NOT TO SCALE

LIMIT OF WORK 

ATTACHMENT A2

THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY PARK BLVD, HOLLYWOOD AVE, SUNNY HILLS RD, AND BRIGHTON AVE (SUB-BASIN 54-16)

CITY PROJECT NO. C329143



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 

Attachment C



INTER OFFICE MEMORANDUM

TO: Gunawan Santoso,
Civil Engineer

FROM: Deborah Barnes, *S. Darenburg for*
Director, Contracts & Compliance

SUBJECT: Compliance Analysis
Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station
Project No. C267640

DATE: December 1, 2014

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 to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Beliveau Engineering Contractors, Inc.	\$180,100.00	68.97%	0.00%	68.97%	0.00%	100.00%	100.00%	3%	\$174,697.00	Y

Comments: As noted above, firm met and/or exceeded the minimum 50% L/SLBE participation requirement. The firm is EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$191,000.00	68.12%	0.00%	68.12%	0.00%	0.00%	NA	NA	NA	Y

Comments: As noted above, Bay Construction achieved 68.12% L/SLBE participation. However, they failed to meet the 50% L/SLBE trucking requirement. Therefore, they are non-compliant with the trucking requirement.

Page

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: Peralta Hacienda Park De Anza Improvement Project

Project Name: Beliveau Engineering

Project No. C284540

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
6896	0	50%	3448	100%	3448	0	0	100%	1034	15%	1034	0

Comments: Beliveau Engineering Met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 516 on-site hours and 516 off-site hours.

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



CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C267640

RE:

Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$177,814.00	\$180,100.00	(\$2,286.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$174,697.00	\$5,403.00	3.00%
1. Did the 50% local/small local requirement apply?		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>68.97%</u>	
c) % of VSLBE participation	<u>0.00%</u>	<u>0.00% (double counted value)</u>
3. Did the contractor meet the L/SLBE Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>0.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		
(If yes, list the points received)	<u>3%</u>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

12/1/2014

Date

Reviewing Officer:

John Hays

Date: 12/1/2014

Approved By:

Shelley Darenburg

Date: 12/1/2014

LBE/SLBE Participation Bidder 1

Project Name:		Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station													
Project No.:		C267640			Engineer's Estimate:			170,250.00		Under/Over Engineers Estimate:			-9,850.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
												Ethn.	MBE	WBE	
PRIME Trucking Pump Supply	Belveau Engineering Contractors, Inc	Oakland	CB		122,216		122,216				122,216	C			
	All City Trucking, Inc	Oakland	CB		2,000		2,000		2,000	2,000	2,000	AI	2,000		
	Rockwell Solutions Red Top Electric	Walnut Creek Livermore	UB UB								40,884 15,000	NL C			
Project Totals				0.00 0.00%	124,216.00 68.97%	0.00 0.00%	124,216.00 68.97%	0.00 0.00%	2,000.00 100.00%	2,000.00 100.00%	180,100.00 100.00%		2,000.00 1.11%	0.00 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 a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE/25%	SLBE/25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	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				
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									

* Proposed VSLBE/LPG participation is valued at 0.27%, 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. C267640

RE:

Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station

CONTRACTOR: Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$177,814.00	\$191,000 00	(\$13,186.00)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	0.00%

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

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

a) % of LBE participation	<u>0.00%</u>
b) % of SLBE	<u>68.12%</u>
c) % of VSLBE	<u>0.00%</u>

3. Did the contractor meet the Trucking requirement? **NO**

a) Total L/SLBE trucking participation	<u>0.00%</u>
a) Total VSLBE trucking participation	<u>0.00%</u>

4. Did the contractor receive bid discount points? **NO**

(if yes, list the points received) 0%

5. Additional Comments.

Contractor achieved 68.12% L/SLBE. However, they failed to meet 50% L/SLBE trucking participation requirement. Therefore, they are non-compliant with the trucking requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
12/1/2014

Date

Reviewing Officer:

[Signature]

Date: 12/1/2014

Approved By:

[Signature]

Date: 12/1/2014

LBE/SLBE Participation Bidder 2

Project Name: Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station														
Project No.: C287640		Engineer's Estimate: 170,250.00			Under/Over Engineers Estimate: -20,750.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME Electrical Pump	Bay Construction Co.	Oakland	CB		130,116		130,116				130,116	H	130,116	
	ABT Electric	Hayward	UB								20,000	NL		
	Rockwell Solutions	Walnut Creek	UB								40,884	NL		
Project Totals				0.00 0.00%	130,116.00 68.12%	0.00 0.00%	130,116.00 68.12%	0.00 0.00%	0.00 0.00%	0.00 0.00%	191,000.00 100.00%		130,116.00 68.12%	0.00 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 a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	*VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	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			
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														



INTER OFFICE MEMORANDUM

TO: David Ng,
Civil Engineer

FROM: Deborah Barnes, *S. Darenburg for*
Director, Contracts & Compliance

SUBJECT: Compliance Analysis

DATE: December 1, 2014

Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd,
Hollywood Ave, Sunnyhills Rd, and Brighton Ave
Project No. C329143

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) 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 to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Pacific Trenchless	\$2,737,081.00	96.05%	0.00%	96.05%	0.00%	100.00%	96.05%	5%	\$2,600,226.95	Y
J. Howard Engineering	\$2,980,828.00	92.74%	0.12%	92.37%	0.25%	100.00%	92.74%	5%	\$2,831,786.60	Y

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

*J. Howard Engineering's proposed VSLBE/LPG participation value were 0.25%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for J. Howard Engineering is 0.50%.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Andes Construction	\$2,576,053.00	92.97%	0.00%	92.97%	0.00%	0.00%	NA	NA	NA	Y

Comments: As noted above, Andes Construction achieved 92.97% L/SLBE participation. However, they failed to meet the 50% L/SLBE trucking requirement. Therefore, they are non-compliant with the trucking 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: Pacific Trenchless

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

Project No: C329125

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)						15% Apprenticeship Program					
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
740	0	50%	370	100%	370	0	0	100%	111	15%	111	0

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

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

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329143

RE:

**Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd,
Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54--16)**

CONTRACTOR: Pacific Trenchless

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,531,165.00	\$2,737,081.00	(\$205,916.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$2,600,226.95	\$136,854.05	5.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE	<u>96.05%</u>	
c) % of VSLBE	<u>0.00%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

12/1/2014

Date

Reviewing Officer:

Shelley Hare

Date: 12/1/2014

Approved By:

Shelley Hare

Date: 12/1/2014

LBE/SLBE Participation Bidder 2

Project Name:		Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd, Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54-16)												
Project No.: C329143		Engineer's Estimat 2,531,165.00			Under/Over Engineers Estimate: -205,916.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total	VSLBE	L/SLBE	Total	TOTAL			
							LBE/SLBE	Trucking	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Trucking HDPE Pipe	Pacific Trenchless	Oakland	CB		2,626,081		2,626,081				2,626,081	C		
	All City Trucking, Inc.	Oakland	CB		3,000		3,000		3,000	3,000	3,000	AI	3,000	
	P&F Distributors	Bnsbane	UB								108,000	C		
Project Totals				\$0.00 0.00%	\$2,629,081.00 96.05%	\$0.00 0.00%	\$2,629,081.00 96.05%	\$0.00 0.00%	\$3,000.00 100.00%	\$3,000.00 100.00%	\$2,737,081.00 100.00%		\$3,000.00 0.11%	\$0.00 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% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	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			
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

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329143

RE:

Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd, Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54--16)

CONTRACTOR: J. Howard Engineering

<u>Engineer's Estimate:</u> \$2,531,165.00	<u>Contractors' Bid Amount</u> \$2,980,828.00	<u>Over/Under Engineer's Estimate</u> (\$449,663.00)
---	--	---

<u>Discounted Bid Amount:</u> \$2,831,786.60	<u>Amt. of Bid Discount</u> \$149,041.40	<u>Discount Points:</u> 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 **12.00%**
 - b) % of SLBE participation **92.37%**
 - c) % of VSLBE participation ***0.25%** **0.60% (double counted value)**
3. Did the contractor meet the L/SLBE Trucking **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/SPG participation is valued at 0.25%, however per the L/SLBE Program aVSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 0.60%.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
12/1/2014
Date

Reviewing Officer:

Stephen Hung

Date: 12/1/2014

Approved By:

Shelley Darenburg

Date: 12/1/2014

LBE/SLBE Participation Bidder 3

Project Name:		Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd, Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54-16)												
Project No.: C329143		Engineer's Estimate 2,531,165.00				Under/Over Engineers Estimate: -449,663.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	J Howard Engineering	Oakland	CB		2,753,328		2,753,328				2,733,328	C		
Trucking	Monroe's Trucking	Oakland	CB			7,500	7,500	7,500		7,500	7,500	AA	7,500	
HDPE pipe	P&F Distnbutors	Brisbane	UB								150,000	C		
MH Matenals	Old Castle Precast	Pleasanton	UB								60,000	C		
Backfill/Recycle	Argent Matenals	Oakland	UB								3,500	C		
Saw Cutting	Bay Line	Berkeley	UB								3,000	H	3,000	
Fittings	Mission Campose	Oakland	CB	3,500			3,500				3,500	C		
Concrete	Sugar City	Pinole	UB								20,000			
Project Totals				\$3,500.00 0.12%	\$2,753,328.00 92.37%	\$7,500.00 0.25%	\$2,764,328.00 92.74%	\$7,500.00 100.00%	\$0.00 0.00%	\$7,500.00 100.00%	\$2,980,828.00 100.00%		\$10,500.00 0.35%	\$0.00 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% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	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			
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										

* Proposed VSLBE/LPG participation is valued at 0.25%, 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.

LBE/SLBE Participation Bidder 1

Project Name: Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd, Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54-16)															
Project No.: C329143		Engineer's Estimate: 2,531,165.00				Under/Over Engineers Estimate: -44,888.00									
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	Andes Construction	Oakland	CB		2,395,053		2,395,053				2,395,053	H	2,395,053		
Saw Cutting	Bayline		UB								3,000	H	3,000		
Trucking	Foston Trucking	Oakland	UB								3,000	AA	3,000		
MH Precast	Old Castle	Pleasanton	UB								50,000	C			
MH Material	Con-Tech	Stockton	UB								15,000	C			
Pipe HDPE	P & F	Brisbane	UB								80,000	C			
Pipe HDPE	Maskell Pipe	Tracy	UB								30,000	C			
Project Totals				\$0.00	\$2,395,053.00	\$0.00	\$2,395,053.00	\$0.00	\$0.00	\$0.00	\$2,576,053.00		\$2,401,053.00	\$0.00	
				0.00%	92.97%	0.00%	92.97%	100.00%	100.00%	100.00%	100.00%		93.21%	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% requirement.				LBE 25%	SLBE 25%	*VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	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				
Legend				LBE = Local Business Enterprise				UB = Uncertified Business							
				SLBE = Small Local Business Enterprise				CB = Certified Business							
				VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise							
				LPG = Locally Produced Goods				WBE = Women Business Enterprise							
				Total LBE/SLBE = All Certified Local and Small Local Businesses											
				NPLBE = NonProfit Local Business Enterprise											
				NPSLBE = NonProfit Small Local Business Enterprise											

* Proposed VSLBE/LPG participation is valued at 0.27%, 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. C329143

RE: Rehabilitation of Sanitary Sewers in the area bounded by Park Blvd, Hollywood Ave, Sunnyhills Rd, and Brighton Ave (Sub-basin 54--16)

CONTRACTOR: Andes Construction

Engineer's Estimate:
\$2,531,165.00

Contractors' Bid Amount
\$2,576,053 00

Over/Under Engineer's Estimate
(\$44,888.00)

Discounted Bid Amount:
\$0.00

Amt. of Bid Discount
\$0.00

Discount Points:
0.00%

- 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 **92.97%**
 - c) % of VSLBE participation **0.00%** **0.00% (double counted value)**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **NO**
 - a) Total L/SLBE trucking participation **0.00%**
 - a) Total VSLBE trucking participation
- 4. Did the contractor receive bid discount points?
(If yes, list the points received) **0%**

5. Additional Comments
Contractor achieved 92.97% L/SLBE. However, they failed to meet the 50% L/SLBE trucking participation requirement. Therefore, they are non-compliant with the trucking requirement.

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

12/1/2014

Date

Reviewing Officer:

[Signature]

Date: 12/1/2014

Approved By:

[Signature]

Date: 12/1/2014

Attachment D

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

Project Number/Title: G384910
 Work Order Number (if applicable): TO# 5 5 1
 Contractor: Beliveau Engineering
 Date of Notice to Proceed: 04/30/2013
 Date of Notice of Completion: 08/26/2013
 Date of Notice of Final Completion: 08/26/2012
 Contract Amount: \$32,380

Evaluator Name and Title: Ali Schwarz, Project Manager/Construction Manager

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.

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

WORK PERFORMANCE

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 checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

TIMELINESS

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

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

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

1. Enter Overall score from Question 7 2 X 0.25 = .5

2. Enter Overall score from Question 13 2 X 0.25 = .5

3. Enter Overall score from Question 18 2 X 0.20 = .4

4. Enter Overall score from Question 22 2 X 0.15 = .3

5. Enter Overall score from Question 28 2 X 0.15 = .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.

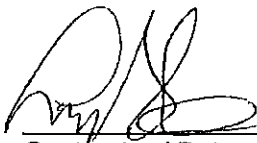
The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which 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.

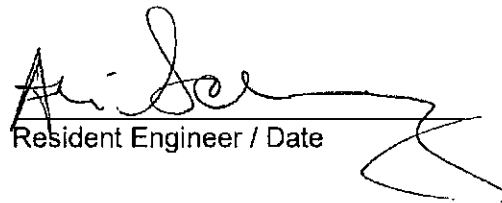
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


Contractor / Date 10/16/13


Resident Engineer / Date


Supervising Civil Engineer / Date 10/16/13

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

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

C329125 / SS Rehab In Moore & Aitken, Saroni & Arrowhead, Glencourt & Homewood

Project Number/Title: _____

Work Order Number (if applicable): _____

Contractor: Pacific Trenchless Inc.

Date of Notice to Proceed: 4/16/2011

Date of Notice of Completion: 1/16/2013

Date of Notice of Final Completion: 1/16/2013

Contract Amount: \$320,405.00

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

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2.0

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.

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.*

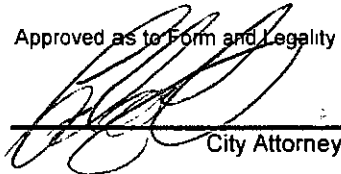
 01/25/2013
Contractor / Date

 1/16/13
Resident Engineer / Date

 1/16/13
Supervising Civil Engineer / Date

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2015 JAN 29 PM 1:06

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE REHABILITATION OF SANITARY SEWERS AT LAKESIDE PARK PUMP STATION (PROJECT NO. C267640) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND ONE HUNDRED DOLLARS (\$180,100.00)

WHEREAS, on November 6, 2014, two bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station (Project No. C267640); and

WHEREAS, Beliveau Engineering Contractors, 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:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C267640; \$180,100.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; 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 that this contract is of a professional, scientific or technical nature; and

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE and trucking requirements; and

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

RESOLVED: That the City Administrator is authorized to award a construction contract for the Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station (Project No. C267640) to Beliveau Engineering Contractors, Inc., the lowest responsive and responsible bidder, in an amount of One Hundred Eighty Thousand One Hundred Dollars (\$180,100.00) in accord with plans and specifications for the Project and contractor's bid dated November 6, 2014; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$180,100.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$180,100.00, 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 Beliveau Engineering Contractors, 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 Beliveau Engineering Contractor, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

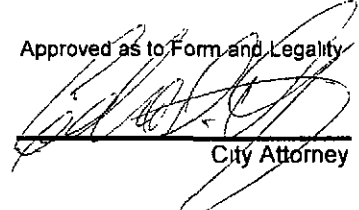
ATTEST _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2015 JAN 29 PM 1:06

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE WITH BIDDERS AND EXECUTE A CONSTRUCTION CONTRACT FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY PARK BOULEVARD, HOLLYWOOD AVENUE, SUNNYHILLS ROAD, AND BRIGHTON AVENUE (PROJECT NO. C329143) IN AN AMOUNT UP TO TWO MILLION FIVE HUNDRED SEVENTY-SIX THOUSAND FIFTY-THREE DOLLARS (\$2,576,053.00)

WHEREAS, on November 6, 2014, two 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 Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143); and

WHEREAS, Andes Construction, Inc. a certified SLBE bidding as a prime, is deemed non-responsive to the City's LBE/SLBE trucking requirement because its subcontractor had an expired City of Oakland trucking certification; and

WHEREAS, the trucking required for this project accounts for 0.1% of the project and is considered insignificant to the total project cost. Further, the subcontractor trucking has renewed; and

WHEREAS, Section 2.04.050 I.5 of the Oakland Municipal Code ("O.M.C.") authorizes the City Council to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 upon a finding and determination that in the best interests of the City to reject all bids, waive further advertising and competitive bidding, and authorizing the City Administrator, or Designee, to negotiate with bidders; and

WHEREAS, staff consulted with Contract Compliance and City Attorney; and

WHEREAS, rebidding of the project will incur additional time and cost that will compress the completion time; and

WHEREAS, possibility affect meeting the Sewer Consent Decree deadlines; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329143; \$2,576,053.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

WHEREAS, the City Council finds and determines based on the representations set forth in the project compliance evaluation 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 that this contract is of a professional, scientific or technical nature; 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, therefore, be it

RESOLVED: That pursuant to O.M.C. Section 2.04.050 I.5 the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 to avoid delays and complete the project in a timely manner as required by the Regional East Bay Sewer Consent Decree of 2014; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate with Andes Construction, Inc. , award and execute a construction contract for the Rehabilitation of Sanitary Sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143) in an amount up to Two Million Five Hundred Seventy-Six Thousand Fifty-Three (\$2,576,053.00) in accord with plans and specifications for the Project; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,576,053.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,576,053.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized 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 Andes Construction, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

FURTHER RESOLVED: That all 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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