

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 FEB 25 PM 7:53

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: March 9, 2010

RE: **Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers in the Area Bounded by Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-003 - Project No. C268410), In The Amount Of One Million Two Hundred Fifty-Two Thousand One Hundred Forty-Seven Dollars (\$1,252,147.00)**

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**SUMMARY**

A resolution has been prepared awarding a construction contract in the amount of \$1,252,147.00 to Andes Construction, Inc. for the Rehabilitation of Sanitary Sewers in the Area Bounded by Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-003 - Project No. C268410). The work to be completed under this project is part of the City's annual required Sanitary Sewer Rehabilitation program. The work is located in Council District 7 and is shown in *Attachment A*.

**FISCAL IMPACT**

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction, Inc. in the amount of \$1,252,147.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C268410; \$1,252,147.00.

This project will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and help reduce the demand for sanitary sewer maintenance.

**BACKGROUND**

On December 10, 2009, the City Clerk received three bids for this project in the amounts of \$1,232,782.00, \$1,252,147.00 and \$1,371,029.00 as shown in *Attachment B*. Andes Construction, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$1,635,815.00.

Item: \_\_\_\_\_  
Public Works Committee  
March 9, 2010

Under the proposed contract with Andes Construction, Inc. LBE/SLBE participation of \$1,252,147.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$10,000.00 (100%) for trucking exceeding the 20% Local Trucking 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 C*.

### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin in April 2010 and should be completed by October 2010. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 90 working days. The project schedule is shown in *Attachment B*.

### **PROJECT DESCRIPTION**

In general, the proposed work consists of replacement of 12,601 lineal feet of sewer mains by pipe expanding, installation of 620 lineal feet of cured-in-place liner in sewer mains, rehabilitating house connection sewers; reconnecting house connection sewers; and other ancillary works as indicated on the plans and specifications.

### **EVALUATION OF PAST PERFORMANCE**

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

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in local dollars being spent locally.

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

**DISABILITY AND SENIOR CITIZEN ACCESS**

There is no direct impact or benefit to seniors or people with disabilities. During construction, the Contractor will be required to monitor safe access through the construction area.

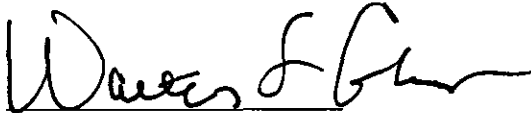
**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to Andes Construction, Inc. the lowest responsive responsible bidder, in the amount of \$1,252,147.00 for the rehabilitation of sanitary sewers in the area bounded by Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-003 - Project No. C268410). Andes Construction, Inc. has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

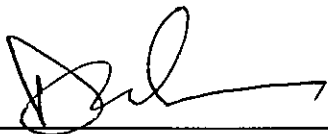


Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Michael Neary, P.E., Deputy Director,  
CEDA, Department of Engineering and Construction

Prepared by:  
Allen Law, P.E., Supervising Civil Engineer  
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
March 9, 2010

Attachment A

**PLANS FOR THE REHABILITATION OF SANITARY SEWERS  
IN THE AREA BOUNDED BY EDES AVE, JONES AVE, AND 98TH AVE  
(SUBBASIN 86-003)**

CITY PROJECT NO. C268410



**LOCATION MAP**

NOT TO SCALE

LIMIT OF WORK 





# Memo

## Department of Contracting and Purchasing

Social Equity Division

**To:** Allen Law - Project Manager  
**From:** Sophany Hang - Acting Contract Compliance Officer  
**Through:** Deborah Barnes - DC & P Director  
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*  
**CC:** Gwen McCormick - Contract Administrator Supervisor  
**Date:** January 11, 2010  
**Re:** C268410-The Rehabilitation of Sanitary Sewers in the Area Bounded by Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-008)

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains Cured in Place Pipe (CIPP) 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 20% 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 non-specialty work (column C) and then subtracting that difference from the original bid amount (column A).

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N		
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation			Earned Bid Discounts	Adjusted Bid Amount
	A	B	C					D	E	F		
Andes Construction, Inc.	\$1,252,147	\$90,296	\$1,161,851	100%	0%	100%	100%	100%	5%	\$1,194,054.45	2%	Y
D'Arcy & Harty Construction, Inc.	\$1,232,782	\$54,690	\$1,178,092	22.71%	.89%	21.81%	100%	22.71%	2%	\$1,209,220.16	0%	Y
Pacific Trenchless, Inc.	\$1,371,029	\$55,860	\$1,315,169	92.67%	1.34%	91.33%	100%	92.67%	5%	\$1,246,617.55	2%	Y

**Comments:** As noted above, Andes Construction, D'Arcy & Harty Construction, Inc., and Pacific Trenchless, Inc. exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

Non-Responsive				Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
	A	B	C					D	E	F		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

**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 an Area Bounded by Blair Avenue & wood Drive.**

**Project No: C282870**

**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			
4678	4446	50%	2339	100%	4446	0	0	100%	701	15%	701	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 351 on-site hours and 351 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-6261

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division  
PROJECT EVALUATION FORM**

**PROJECT NO.:** C268410

**PROJECT NAME:** Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave.  
(Sub-Basin 86-003)

**CONTRACTOR:** Andes construction

<b>Engineer's Estimate:</b>	<b>Contractors' Original Bid Amount</b>	<b>Specialty Dollar Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$1,635,815.00	\$1,252,147.00	\$90,296.00	\$383,668.00

<b>Discounted Bid Amount:</b>	<b>Amount of Bid Discount</b>	<b>Non-Specialty Bid Amt.</b>	<b>Discount Points:</b>
\$1,194,054.45	\$58,092.55	\$1,161,851.00	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0.26%**
  - c) % of SLBE participation **99.74%**
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(s) 8,9, and 10, Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.**

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

1/11/2010

Date

**Reviewing Officer:**

[Signature]

Date:

1/11/10

**Approved By:**

Shelley Darenburg

Date:

1/11/10



## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave. (Sub-Basin 86-003)													
Project No.: C268410		Engineers Est: 1,635,815.00			Under/Over Engineers Estimate: 383,668.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount Dollars	TOTAL Original Bid Amount Dollars	For Tracking Only		
											Ethn	MBE	WBE
PRIME	Andes construction	Oakland	CB		1,161,851.00	1,161,851.00			1,161,851.00	1,239,147.00	H	1,161,851.00	
Sawcutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	3,000.00		3,000.00			3,000.00	3,000.00	H	3,000.00	
Trucking	Foston Trucking	Oakland	CB		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	AA	10,000.00	
<b>Project Totals</b>				\$3,000.00	\$1,171,851.00	\$1,174,851.00	\$10,000.00	\$10,000.00	\$1,174,851.00	\$1,252,147.00		\$1,174,851.00	\$0
				0.26%	99.74%	100%	100%	100%	100%	100%		100%	0%
<b>Requirements:</b> 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				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				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	

\* 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.

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division  
PROJECT EVALUATION FORM**

**PROJECT NO.:** C268410

**PROJECT NAME:** Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave.  
(Sub-Basin 86-003)

**CONTRACTOR:** D'Arcy & Harty Construction Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,635,815.00	\$1,232,782.00	\$54,690.00	\$403,033.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$1,209,220.16	\$23,561.84	\$1,178,092.00	2%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0.89%**
  - c) % of SLBE participation **21.81%**
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) **2%**
5. Additional Comments.

For this project, bid item(s) 8,9, and 10 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

**Reviewing Officer:**

*Shelley Darenburg*

**Date:**

1/11/2010  
Date

**Approved By:**

*Shelley Darenburg*

**Date:**

1/11/10

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave. (Sub-Basin 86-003)

Project No.:	C268410				Engineers Est: 1,635,815.00		Under/Over Engineers Estimate: 403,033.00				For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				Ethn.
			Status			LBE/SLBE	Trucking	Trucking	Dollars	Dollars				
PRIME	D'Arcy & Harty Construction Inc.	San Francisco	UB						910,592.00	915,426.00	C			
Pip & manholes	Mosto Construction	Oakland	CB		252,000.00	252,000.00			252,000.00	252,000.00	H	525,000.00		
Trucking	Monroe Trucking	Oakland	CB		5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	AA	5,000.00		
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	8,000.00		8,000.00			8,000.00	8,000.00	H	8,000.00		
VCP Pipe	Mission Clay	Oakland	CB	2,500.00		2,500.00			2,500.00	2,500.00	C			
CIPP Work	Pipenology	Rocklin	UB							49,856.00	C			
<b>Project Totals</b>					\$10,500.00	\$257,000.00	\$267,500.00	\$5,000.00	\$5,000.00	\$1,178,092.00	\$1,232,782.00		\$538,000.00	\$0
					0.89%	21.81%	22.71%	100%	100%	100%	100%		45.67%	0%
<b>Requirements:</b>				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>				<b>Ethnicity</b>			
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.											AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<b>Legend</b>														
LBE = Local Business Enterprise											UB = Uncertified Business			
SLBE = Small Local Business Enterprise											CB = Certified Business			
Total LBE/SLBE = All Certified Local and Small Local Businesses											MBE = Minority Business Enterprise			
NPLBE = NonProfit Local Business Enterprise											WBE = Women Business Enterprise			
NPSLBE = NonProfit Small Local Business Enterprise														

\* 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.



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO:** C268410

**PROJECT NAME:** Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave.  
(Sub-Basin 86-003)

**CONTRACTOR:** Pacific Trenchless, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,635,815.00	\$1,371,029.00	\$55,860.00	\$264,786.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$1,246,617.55	\$68,551.45	\$1,315,169.00	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **1.34%**
  - c) % of SLBE participation **91.33%**
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(s) 8,9, and 10 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.**

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

**Reviewing Officer:**

*[Signature]*

**Date:**

1/11/2010  
Date

**Approved By:**

*[Signature]*

**Date:**

1/11/10

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Rehabilitation of Sanitary Sewer in Edes Ave., Jones Ave., and 98th Ave. (Sub-Basin 86-003)

Project No.: C268410		Engineers Est: 1,635,815.00				Under/Over Engineers Estimate: 264,786.00				For Tracking Only				
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only			
											Status	LBE/SLBE	Trucking	Trucking
PRIME	Pacific Trenchless, Inc.	Oakland	CB		1,196,599.00	1,196,599.00			1,196,599.00	1,202,617.00	C			
Trucking	Williams Trucking	Oakland	CB		4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	AA	4,500.00		
CIPP Lining	Pipenology Inc.	Rocklin	UB							49,842.00	C		49,842.00	
HDPE Pipe/Strap on Saddles	P & F Distributors	Brisbane	UB						79,920.00	79,920.00	C			
Manhole Materials	U.S Concrete Inc.	Livermore	UB						16,500.00	16,500.00	C			
VCP pip/Cuplines	Mission Clay Products	Oakland	CB	17,650.00		17,650.00			17,650.00	17,650.00	C			
<b>Project Totals</b>					\$17,650.00	\$1,201,099.00	\$1,218,749.00	\$4,500.00	\$4,500.00	\$1,315,169.00	\$1,371,029.00		\$4,500.00	\$49,842.00
					1.34%	91.33%	92.67%	100%	100%	100%	100%		0.34%	3.64%
<b>Requirements:</b> 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					<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise		UB = Uncertified Business								
				SLBE = Small Local Business Enterprise		CB = Certified Business								
				Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise								
				NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise								
				NPSLBE = NonProfit Small Local Business Enterprise										

\* 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.

City of Oakland  
Public Works Agency  
CONTRACTOR PERFORMANCE EVALUATION

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

Work Order Number: C135410

Contractor: ANDES CONSTRUCTION

Date of Notice to Proceed: 9-11-07

Date of Notice of Completion: 12-10-07

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

Contract Amount: \$285,167.00

Evaluator Name and Title: JUN OSALBO, RESIDENT ENGINEER

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

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

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

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

**Assessment Guidelines:**

**Outstanding (3 points)**— Performance among the best level of achievement the City has experienced.

**Satisfactory (2 points)**— Performance met contractual requirements.

**Marginal (1 point)**— Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.

**Unsatisfactory (0 points)**— Performance did not meet contractual requirements.

The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

Contractor Evaluation Form Contractor: ANDES CONSTRUCTION Project No. C135410

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
<b>WORK PERFORMANCE</b>						
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 type="checkbox"/>	<input checked="" 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.			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment, Provide documentation.			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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.	<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 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 type="checkbox"/>	3 <input checked="" type="checkbox"/>	

Contractor Evaluation Form

Contractor:

Andes Construction

Project No.

C135410

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #8. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.			Yes <input type="checkbox"/>	No <input 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"/>	



Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**FINANCIAL**

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 type="checkbox"/>	<input checked="" 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?	0	1	2	3	
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**SAFETY**

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <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 type="checkbox"/>	<input checked="" 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	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 type="checkbox"/>	3 <input checked="" type="checkbox"/>	

**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.

ANDES Construction

Project No

C135410

**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      3      X 0.25 = .75
- 2. Enter Overall score from Question 13      2      X 0.25 = .50
- 3. Enter Overall score from Question 18      2      X 0.20 = .40
- 4. Enter Overall score from Question 22      2      X 0.15 = .30
- 5. Enter Overall score from Question 28      3      X 0.15 = .45

**TOTAL SCORE** (Sum of 1 through 5):      2.4

**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.*

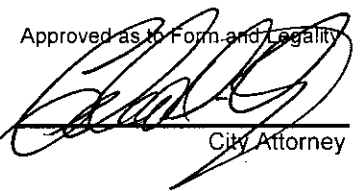
Contractor / Date

Resident Engineer / Date

Jim Murray 1/11/2008  
Supervising Civil Engineer / Date

Jim O'Neil 1-10-08  
Resident Engineer / Date

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2010 FEB 25 PM 7:54

Approved as to Form and Legality  
  
City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY EDES AVENUE, JONES AVENUE AND 98<sup>TH</sup> AVENUE (SUB-BASIN 86-003 - PROJECT NO. C268410) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION TWO HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED FORTY-SEVEN DOLLARS (\$1,252,147.00)**

**WHEREAS**, on December 10, 2009, three 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 Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-003 - Project No. C268410); and

**WHEREAS**, Andes Construction, 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. C268410; \$1,252,147.00; 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 lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, Andes Construction, Inc. complies with all LBE/SLBE 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 services; now, therefore, be it

**RESOLVED:** That the construction contract for the Rehabilitation of Sanitary Sewers In The Area Bounded By Edes Avenue, Jones Avenue and 98<sup>th</sup> Avenue (Sub-Basin 86-003 - Project No. C268410) is hereby awarded to Andes Construction, Inc. in accordance with plans and specifications for the project and the terms of its bid therefore, dated December 10, 2009, for the amount of One Million Two Hundred Fifty-Two Thousand One Hundred Forty-Seven Dollars (\$1,252,147.00); and be it

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

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$1,252,147.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$1,252,147.00, with respect to such work are hereby approved; and be it

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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