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OFFICE OF THE CITY CLERK
OAKLAND

2017 NOV 21 PM 3:51

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: The On-Call Sanitary Sewers
Emergency Projects FY 2017-18

DATE: November 9, 2017

City Administrator Approval

Date:

11/21/17

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc., The Lowest Responsive, Responsible Bidder, For The On-Call Sanitary Sewers Emergency Projects FY 2017-18 (Project No. 1000720) In Accordance With Specifications For The Project And With Contractor's Bid In The Amount Of Two Million Three Hundred Eighty-Seven Thousand Two Hundred Fifty Dollars (\$2,387,250.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with Pacific Trenchless Inc., in the amount of \$2,387,250.00. The work to be completed under this project is part of the City's annual sanitary sewer rehabilitation program and is required under the 2014 Sewer Consent Decree. Funding for this project is available in the Fiscal Year 2017-18 budget. The locations of work vary City-wide.

BACKGROUND / LEGISLATIVE HISTORY

On October 5, 2017, the City Clerk received two bids for this project in the amount of \$2,387,250.00 and \$2,457,975.00 as shown in **Attachment A**. Pacific Trenchless, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award. The proposed work under this contract, consists of rehabilitating sanitary sewers and appurtenant structures in the City streets or backyard/side-yard easements city-wide. Sanitary sewer rehabilitation work under this contract will be performed in response to emergencies and on an as-needed basis directed by the City through work/task orders. This project is part of the City's annual Sanitary Sewer Rehabilitation program, and is intended to improve the sanitary system conditions throughout Oakland, and is required under the 2014 Sewer Consent Decree.

Item: _____
Public Works Committee
December 5, 2017

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will allow the City Administrator or designee to execute a construction contract with Pacific Trenchless Inc., for the on-call sanitary sewers emergency projects FY 2017-18 (Project No. 1000720). Under the proposed contract with Pacific Trenchless, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 100 percent, which exceeds the City's 50 percent LBE/SLBE requirement. Trucking participation is 100 percent and exceeds the 50 percent requirement. The contractor is required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Contracts and Compliance Division of the Department of Contracting and Purchasing and is shown in **Attachment B**.

Construction is scheduled to begin in February 2018 and should be completed by February 2019. The contract specifies liquidated damages of \$500 per calendar day. The project schedule is shown in **Attachment A**.

The Engineer's estimate for this work is \$1,934,150.00. Staff has reviewed the submitted bids for this work and has determined that the bids are reasonable for the current construction market conditions, which has seen a regional increase in costs for similar work. The economy has improved dramatically and contractors are in short supply regionally with lack of competition. Recently, there have only been two local bidders competing.

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

FISCAL IMPACT

Funding for this project is pending carryforward approval in the Fiscal Year (FY) 2017-18 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Account 57417 Sewers, Project No. 1000720. Funding for operations and maintenance is also budgeted and available in the Sewer Fund 3100. The project goal is to improve pipe conditions, reduce maintenance cost, reduce wet weather peak flows in sanitary sewer system, and is required under 2014 Sewer Consent Decree.

PAST PERFORMANCE AND EVALUATION

The Contractor Performance Evaluations for Pacific Trenchless Inc. from previously completed project is satisfactory and is included in **Attachment C**.

PUBLIC OUTREACH / INTEREST

The residents in the area will be notified in writing about these projects. Prior to starting work, residents who are affected by the work will be notified individually of the work schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge.

COORDINATION

The work to be done under this contract was coordinated with Oakland Public Works (OPW) Bureau of Infrastructure and Operations, Bureau of Facilities and Environment, and Contracts and Compliance Division. In addition, the Office of City Attorney and the Budget Bureau have reviewed this report and resolution.

SUSTAINABLE OPPORTUNITIES

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

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

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

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution awarding a construction contract to Pacific Trenchless, Inc., the lowest responsive, responsible bidder, for the on-call sanitary sewers emergency projects FY 2017-18 (Project No. 1000720) in accordance with specifications for the project and with contractor's bid in the amount of two million three hundred eighty-seven thousand two hundred fifty dollars (\$2,387,250.00).

For questions regarding this report, please contact Jimmy Mach, Wastewater Engineering Management Division, Division Manager at 510-238-3303.

Respectfully submitted,



Jason Mitchell
Director, Oakland Public Works

Reviewed by:
Danny Lau, P.E., Assistant Director
Bureau of Design & Construction

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

Attachments (3):

- A: List of Bidders & Project Construction Schedule*
- B: Contracts & Compliance Unit Compliance Evaluation*
- C: Contractors Performance Evaluation*

Attachment A

List of Bidders

1000720

| Company | Location | Bid Amount |
|----------------------------|-------------|----------------|
| Engineer's Estimate | - | \$1,934,150.00 |
| Pacific Trenchless Inc. | Oakland, CA | \$2,387,250.00 |
| Andes Construction Inc. | Oakland, CA | \$2,457,975.00 |

Project Construction Schedule

| ID | Task Name | Start | Finish | Qtr 4, 2017 | | | Qtr 1, 2018 | | | Qtr 2, 2018 | | | Qtr 3, 2018 | | | Qtr 4, 2018 | | | Qtr 1, 2019 | | | |
|----|----------------------------|------------|------------|------------------------------------------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-----|
| | | | | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar |
| 1 | Project No. 1000720 | 10/5/2017 | 2/19/2019 | [Gantt bar spanning from Sep 2017 to Mar 2019] | | | | | | | | | | | | | | | | | | |
| 2 | Bid Opening | 10/5/2017 | 10/5/2017 | [Gantt bar in Sep 2017] | | | | | | | | | | | | | | | | | | |
| 3 | Contract Award | 10/5/2017 | 12/12/2017 | [Gantt bar from Sep 2017 to Dec 2017] | | | | | | | | | | | | | | | | | | |
| 4 | Contract Execution | 12/12/2017 | 2/20/2018 | [Gantt bar from Dec 2017 to Feb 2018] | | | | | | | | | | | | | | | | | | |
| 5 | Constructor | 2/20/2018 | 2/19/2019 | [Gantt bar from Feb 2018 to Mar 2019] | | | | | | | | | | | | | | | | | | |



INTER OFFICE MEMORANDUM

TO: Gunawan Santoso,
Civil Engineer

FROM: Deborah Barnes, *Deborah Barnes*
Director, Contracts & Compliance

SUBJECT: Compliance Analysis
On-Call Sanitary Sewers Emergency Projects
FY 2017-18
Project No. 1000720

DATE: October 13, 2017

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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

| Compliant with L/SLBE and/or EBO Policies | | Proposed Participation | | | | | Earned Credits and Discounts | | | EBO Compliant? Y/N |
|-------------------------------------------|---------------------|------------------------|------|---------|------------|------------------------|------------------------------|----------------------|---------------------|--------------------|
| Company Name | Original Bid Amount | Total LBE/SLBE | LBE | SLBE | *VSLBE/LPG | L/SLBE /VSLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | |
| Pacific Trenchless, Inc. | \$2,387,250.00 | 100.00% | 0.0% | 100.00% | 0.00% | NA | 100.00 % | 5% | \$2,267,887.50 | Y |
| Andes Construction | \$2,457,975.00 | 98.27% | 0.0% | 98.27% | 0.00& | NA | 98.27% | 5% | \$2,335,076.25 | Y |

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



For Informational Purposes

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

Contractor Name: Pacific Trenchless

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

Project No: C329125

50% Local Employment Program (LEP)

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

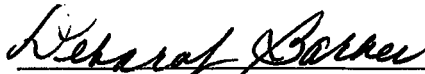
15% Oakland Apprenticeship Program

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

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

| | | 50% Local Employment Program (LEP) | | | | | | 15% Apprenticeship Program | | | | |
|---------------------|-------------------------------|--------------------------------------------|-------|----------------------------------------|-------|----------------------|-----------------|----------------------------|---------------------------------------------|-------------------------------|-------|----------------------------|
| Total Project Hours | Core Workforce Hours Deducted | LEP Project Employment and Work Hours Goal | | LEP Employment and Work Hours Achieved | | # Resident New Hires | Shortfall Hours | % LEP Compliance | Total Oakland Apprenticeship Hours Achieved | Apprenticeship Goal and Hours | | Apprentice Shortfall Hours |
| | | 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.



 Deborah Barnes, Director
 Contracts & Compliance

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. 1000720

RE: On-Call Sanitary Sewer Emergency Projects FY 2017-18

CONTRACTOR: Pacific Trenchless, Inc.

| | | |
|------------------------------------------------------|---------------------------------------|----------------------------------------------|
| <u>Engineer's Estimate:</u> | <u>Contractors' Bid Amount</u> | <u>Over/Under Engineer's Estimate</u> |
| \$1,934,150.00 | \$2,387,250.00 | (\$453,100.00) |
| <u>Discounted Bid Amount:</u> | <u>Amt. of Bid Discount</u> | <u>Discount Points:</u> |
| \$2,267,887.50 | \$119,362.50 | 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 participation | <u>100.00%</u> | |
| c) % of VSLBE participation | <u>0.00%</u> | |
| 3. Did the contractor meet the Trucking requirement? | | <u>NA</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>5.00%</u> | |
| 5. Additional Comments. | | |

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

10/13/2017

Officer:

[Signature]

Date:

10/13/2017

Approved By:

Shelley Darenaburg

Date:

10/13/2017

LBE/SLBE Participation Bidder 1

| Project Name: | | On-Call Sanitary Sewer Emergency Projects FY 2017-18 | | | | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------------|---------------|--|
| Project No.: 1000720 | | Engineer's Estimate 1,934,150.00 | | | Under/Over Engineers Estimate: -453,100.00 | | | | | | | | | | |
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG | Total | VSLBE Trucking | L/SLBE | Total | TOTAL | | | | |
| | | | | | | | LBE/SLBE | | Trucking | Trucking | Dollars | Ethn. | MBE | WBE | |
| PRIME Trucking | Pacific Trenchless, Inc. | Oakland | CB | | 2,382,250.00 | | 2,382,250.00 | | | | 2,382,250.00 | C | | | |
| | All City Trucking | Oakland | CB | | 5,000.00 | | 5,000.00 | | 5,000.00 | 5,000.00 | 5,000.00 | AI | 5,000.00 | | |
| Project Totals | | | | 0.00 0.00% | 2,387,250.00 100.00% | 0.00 0.00% | 2,387,250.00 100.00% | 0.00 0.00% | 5,000.00 100.00% | 5,000.00 100.00% | 2,387,250.00 100.00% | | 5,000.00 0.21% | 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. 1000720

RE: On-Call Sanitary Sewer Emergency Projects FY 2017-18

CONTRACTOR: Andes Construction, Inc.

| | | | |
|-------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------|
| Engineer's Estimate: | Contractors' Bid Amount | Over/Under Engineer's Estimate | |
| \$1,934,150.00 | \$2,457,975.00 | (\$523,825.00) | |
| Discounted Bid Amount: | Amt. of Bid Discount | Discount Points: | |
| \$2,335,076.25 | \$122,898.75 | 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 | <u>0.00%</u> | | |
| b) % of SLBE participation | <u>98.27%</u> | | |
| c) % of VSLBE participation | <u>0.00%</u> | 0.00% | (double counted value) |
| 3. Did the contractor meet the Trucking requirement? | | NA | |
| 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? | | YES | |
| (If yes, list the points received) | <u>5%</u> | | |
| 5. Additional Comments. | | | |
| 6. Date evaluation completed and returned to Contract Admin./Initiating Dept. | | | |

10/13/2017

Date

Reviewing Officer:

[Signature]

Date: 10/13/2017

Approved By:

Shelley Sarenburg

Date: 10/13/2017

LBE/SLBE Participation Bidder 2

| Project Name: On-Call Sanitary Sewers Emergency Projects FY 2017-18 | | | | | | | | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------|--------------|---------------|------------------------|---------------------------------------------------|------------------------|-------------------|--------------------|-------------------|-------------------------|---------------------------------------------------------------------------------------------------|------------------------|---------------|
| Project No.: 1000720 | | Engineer's Estimate 1,934,150.00 | | | | Under/Over Engineers Estimate: -523,825.00 | | | | | | | | |
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG (2x Value) | Total LBE/SLBE | VSLBE Truckina | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethnicity | | |
| | | | | | | | | | | | | Ethn. | MBE | WBE |
| PRIME | Andes Construction, Inc. | Oakland | CB | | 2,415,475.00 | | 2,415,475.00 | | | | 2,415,475.00 | H | 2,415,475.00 | |
| Saw Cutting | Bayline Cutting | Berkeley | UB | | | | | | | | 1,000.00 | H | 1,000.00 | |
| MH Rehab | Contech of California | Stockton | UB | | | | | | | | 10,000.00 | C | | |
| MH Precast | Old Castle | Pleasanton | UB | | | | | | | | 10,000.00 | C | | |
| HDPE Pipe | P & F Distributors | Brisbane | UB | | | | | | | | 12,000.00 | C | | |
| Concrete | Right Away Redy Mix | Oakland | UB | | | | | | | | 9,500.00 | C | | |
| Project Totals | | | | 0.00 0.00% | 2,415,475.00 98.27% | 0.00 0.00% | 2,415,475.00 98.27% | 0.00 0.00% | 0.00 0.00% | 0.00 0.00% | 2,457,975.00 100.00% | | 2,416,475.00 98.31% | 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. | | | | | | | | | | | | Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific | | |

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

C329135: SS Rehab in the Easements of Clarendon Crescent Avenue & Sunny Hills Road

Project Number/Title: _____
 Work Order Number (if applicable): _____
 Contractor: Pacific Trenchless Inc.
 Date of Notice to Proceed: 04-27-2015
 Date of Notice of Completion: 07-20-2015
 Date of Notice of Final Completion: 07-20-2015
 Contract Amount: \$538, 978.00
 Evaluator Name and Title: Sophea Sem, 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 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 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 type="checkbox"/> | N/A <input checked="" 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 checked="" 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"/> | |

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 | <p>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?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p> | | | | 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 | <p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p> | 0 <input type="checkbox"/> | 1 <input type="checkbox"/> | 2 <input checked="" type="checkbox"/> | 3 <input type="checkbox"/> | |

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

COMMUNICATION

| | | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|------------------------------------------|-------------------------------|----------------------------------------|
| 19 | Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 | Did the Contractor communicate with City staff clearly and in a timely manner regarding: | | | | | |
| 20a | Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20b | Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20c | Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20d | Were there any billing disputes? If "Yes", explain on the attachment. | | | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 21 | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation. | | | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 22 | Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3. | 0 <input type="checkbox"/> | 1 <input type="checkbox"/> | 2 <input checked="" type="checkbox"/> | 3 <input type="checkbox"/> | |

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

SAFETY

| | | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|------------------------------------------|--------------------------------------------|-------------------------------------------|
| 23 | Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment. | | | | Yes <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.

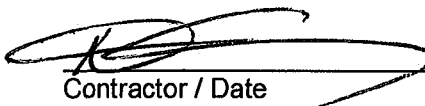
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

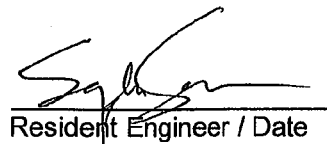
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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.

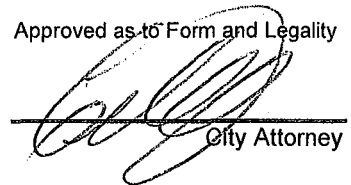
The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

 10/15/15
Contractor / Date

 09/22/15
Resident Engineer / Date

 10/15/15
Supervising Civil Engineer / Date
TOR



City Attorney

2017 NOV 21 PM 3:51 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO PACIFIC TRENCHLESS, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, FOR THE ON-CALL SANITARY SEWERS EMERGENCY PROJECTS FY 2017-18 (PROJECT NO. 1000720) IN ACCORDANCE WITH SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION THREE HUNDRED EIGHTY-SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$2,387,250.00)

WHEREAS, on October 5, 2017, two bids were received by the Office of the City Clerk of the City of Oakland for The On-Call Sanitary Sewers Emergency Projects FY 2017-18 (Project No. 1000720); and

WHEREAS, Pacific Trenchless, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account as part of FY 2017-18 CIP budget: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. 1000720; \$2,387,250.00; and these funds were specifically allocated for this project; and

WHEREAS, this project will help reduce the amount of sanitary sewer maintenance; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

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

WHEREAS, Pacific Trenchless, Inc. complies with all LBE/SLBE and trucking requirements now; therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract for the On-Call Sanitary Sewers Emergency Projects FY 2017-18 (Project No. 1000720) to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, in the amount of

\$2,387,250.00 in accord with specifications for the project and with contractor's bid dated October 5, 2017 contingent upon the availability of funding; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,387,250.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,387,250.00, with respect to such work are hereby approved; and be it

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Pacific Trenchless, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

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

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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