

2009 APR 30 PM 6:39

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: May 12, 2009

RE: **Resolution Authorizing Award Of A Construction Contract To The Lowest Responsive, Responsible Bidder, Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In An Area Bounded By Midvale Avenue, I-580 Freeway, Laurel Avenue, and Carlsen Street (Project No. C227310) For The Amount Of Two Million Two Hundred Five Thousand Three Hundred Fifty-Seven Dollars (\$2,205,357.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$2,205,357.00 to Andes Construction Inc. for the Rehabilitation of Sanitary Sewers in an Area Bounded By Midvale Avenue, I-580 Freeway, Laurel Avenue, and Carlsen Street (Project No. C227310). The work to be completed under this project is part of the City's ongoing Sanitary Sewer Rehabilitation program. The work is located in Council District 3, as 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 \$2,205,357.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C227310; \$2,205,357.00.

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

BACKGROUND

On January 29, 2009, the City Clerk received five bids for this project in the amounts of \$2,205,357.00, \$2,286,988.00, \$2,378,955.00, \$2,639,210.00 and \$2,737,280.00 as shown in *Attachment B*. The lowest bidder, Andes Construction Inc., is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the work is \$2,335,800.00.

Item: _____
Public Works Committee
May 12, 2009

Under the proposed contract with Andes Construction Inc., LBE/SLBE participation of \$1,193,157.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$20,000.00 (100%) for trucking exceeding the 20% Local Trucking requirement. The contractor received 5% credit for LBE/SLBE preference, or \$59,657.85. 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 Contract Compliance Division of the Department of Contracting and Purchasing, and is shown in *Attachment C*.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in June 2009 and will be completed by February 2010. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 150 working days. The project schedule is shown in *Attachment B*.

PROJECT DESCRIPTION

In general, the proposed work consists of rehabilitation of over 3 miles of sewer main, of which approximately 4,466 lineal feet of various diameter sewer mains will be by pipe expanding and 12,384 lineal feet by Cured-in-Place Liner into various diameter sewer mains; rehabilitating house connection sewers and installing 2-way cleanouts; reconnecting house connection sewers; and other ancillary work 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.

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

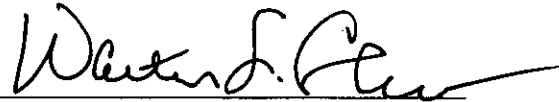
RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Andes Construction, Inc., the lowest responsive responsible bidder, in the amount of \$2,205,357.00 for the rehabilitation of sanitary sewers in an area bounded by Midvale Avenue, I-580 Freeway, Laurel Avenue and Carlsen Street (Project No. C227310). 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., Acting Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:

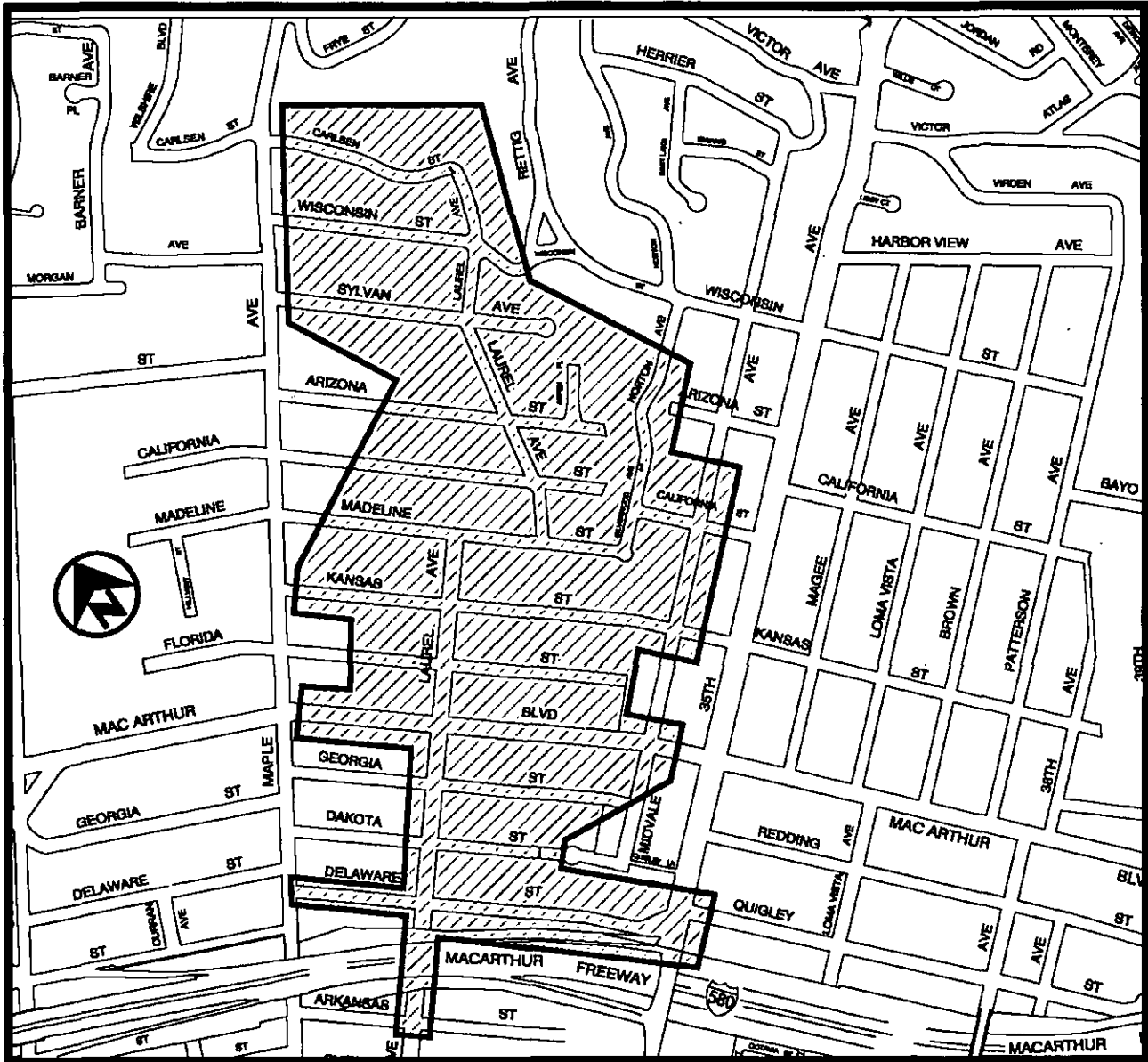


Office of the City Administrator

Item: _____
Public Works Committee
May 12, 2009

PLANS FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MIDVALE AVENUE, I-580 FREEWAY, LAUREL AVENUE, AND CARLSEN STREET (SUBBASIN 80 -103)

CITY PROJECT NO. C227310



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 



Memo

Department of Contracting and Purchasing

Social Equity Division

To: Allen Law, Resident Engineer
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*
 CC: Gwen McCormick - Contract Administrator Supervisor
 Date: February 26, 2009
 Re: C227310 - Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed five (5) 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	\$2,205,357	\$1,002,600	\$1,193,157	100%	0%	100%	100%	100%	5%	\$2,145,699.15	2%	Y
Synergy Project Management Inc.	\$2,286,988	\$389,328	\$1,515,732	26.72%	0%	26.72%	100%	26.72%	2%	\$2,256,673.36	0%	N
Pacific Trenchless	\$2,737,280	\$380,000	\$2,358,172	95.91%	0.77%	95.15%	100%	\$95.91%	5%	\$2,169,079.40	2%	Y

Comments: As noted above, all firms met or exceeded the 20% L/SLBE participation requirement. Firms that are not EBO compliant will have to come into compliance prior to contract award.

Non-Responsive		Proposed Participation				Earned Credits and Discounts						
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	Banked Credits Eligibility	EBO Compliant?
	<i>A</i>	<i>B</i>	<i>C</i>					<i>D</i>	<i>E</i>	<i>F</i>		
Precision Engineering	\$2,639,210	\$389,000	\$1,870,210	11.50%	9.62%	1.87%	0%	0%	0%	NA	NA	Y
D'Arcy & Harty	\$2,378,955	\$389,000	\$1,600,955	15.30%	2.81%	12.49%	0%	0%	0%	NA	NA	Y

Comments: As noted above, Precision Engineering and D'Arcy & Harty failed to meet the minimum 20% L/SLBE participation requirement and the 20% L/SLBE trucking requirement. Precision Engineering listed \$155,000 and D'Arcy and Harty listed \$120,000 in trucking dollars. Based on the other bids received and the project manager's determination, there is not \$120,000 or \$155,000 of trucking on this project. Therefore, the firms did not receive credit towards the minimum 20% L/SLBE and 20% trucking participation and are deemed non-responsive.

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, Lakeshore, Mandana, Wallavista
Project No. C261010

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
<i>A</i>	<i>B</i>	<i>C</i>		<i>D</i>		<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>		<i>J</i>
3,886	1,945	50%	973	100%	3,670	0	0	100%	402	15%	292	0

Comments: Andes Construction met and exceeded the LEP and 15% Apprenticeship requirements.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.

DEPARTMENT OF CONTRACTING AND PURCHASING



**Social Equity Division
PROJECT EVALUATION FORM**

PROJECT NO.: C227310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

CONTRACTOR: Andes 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>
\$2,335,800	\$2,205,357	\$1,002,600	\$130,443
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,145,699.15	\$59,657.85	\$1,193,157.00	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **100%**
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) 10, 11 and 22 - 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.

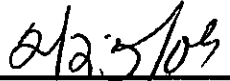
Reviewing Officer:



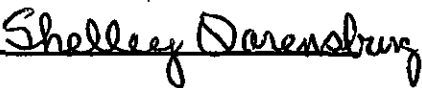
Date:

2/25/2009

Date



Approved By:



Date:



LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

Project No.: C227310		Engineers Est: 2,335,800				Under/Over Engineers Estimate: 130,443					For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount Dollars	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking					
PRIME	Andes Construction, Inc.	Oakland	CB		1,163,157	1,163,157			1,163,157	2,175,357	H	2,175,357	
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	10,000		10,000			10,000	10,000	H	10,000	
Trucking	Irvin Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	10,000	AA	10,000	
Trucking	S & S Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	10,000	H	10,000	
Project Totals				\$10,000	\$1,183,157	\$1,193,157	\$20,000	\$20,000	\$1,193,157	\$2,205,357		\$2,205,357	\$0
				1%	99%	100%	100%	100%	100%	100%		100%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				LBE = Local Business Enterprise	SLBE = Small Local Business Enterprise	Total LBE/SLBE = All Certified Local and Small Local Businesses	NPLBE = NonProfit Local Business Enterprise	NPSLBE = NonProfit Small Local Business Enterprise	UB = Uncertified Business	CB = Certified Business	MBE = Minority Business Enterprise	WBE = Women Business Enterprise	

* 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.: C227310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

CONTRACTOR: Synergy Project Management

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,335,800	\$2,286,988	\$389,328	\$48,812

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,256,673.36	\$30,314.64	\$1,515,732	2%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement?
b) % of LBE participation **0%**
c) % of SLBE participation **26.72%**
3. Did the contractor meet the Trucking requirement?
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) 10, 11 and 22 - 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.

2/25/2009

Date

Reviewing Officer:

Vivian Palmer

Date:

2/26/09

Approved By:

Shelley Ovenshine

Date:

2/26/09

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St

Project No.: C227310		Engineers Est: 2,980,470				Under/Over Engineers Estimate: 693,482					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				
						LBE/SLBE	Trucking	Trucking	Dollars	Dollars	Ethn.	MBE	WBE	
PRIME	Synergy Project Management	San Francisco	UB						996,137	1,378,065	C			
Trucking	D. Irvin Trucking	Oakland	CB		30,000	30,000	30,000	30,000	30,000	30,000	AA	30,000		
Gen. Engineering	Focon, Inc.	Oakland	CB		375,000	375,000			375,000	375,000	AA	375,000		
Pipelining	Pacific Liners	Vacaville	UB							389,328	NL			
Pipebursting	Hammerhead	Oconomowoc	UB						39,895	39,895	NL			
Spray Mortar	Armored Coatings	Petaluma	UB						74,700	74,700	NL			
Project Totals					\$405,000	\$405,000	\$30,000	\$30,000	\$1,515,732	\$2,286,988		\$405,000	\$0	
					26.72%	26.72%	100%	100%	100%	100%		26.72%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE: 10%	SLBE: 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
Legend				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.: C227310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

CONTRACTOR: Pacific Trenchless

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,335,800	\$2,737,280	\$380,000	-\$401,480

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,619,371.40	\$117,908.60	\$2,358,172	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0.77%**
 - c) % of SLBE participation **95.15%**
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) 10, 11 and 22 - 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:

Maria [Signature]

Date:

2/25/2009

Date

2/25/09

Approved By:

Shelley Owensburg

Date:

2/25/09

LBE/SLBE PARTICIPATION Bidder 5

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

Project No.:	C227310		Engineers Est: 2,980,470			Under/Over Engineers Estimate: 243,190					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				
				Status		LBE/SLBE	Trucking	Trucking	Dollars	Dollars	Ethn.	MBE	WBE	
PRIME														
Trucking	Pacific Trenchless Williams Trucking	Oakland Oakland	CB CB		1,742,988 15,000	1,742,988 15,000		15,000 15,000	1,742,988 15,000	2,122,280 15,000	C AA			
Sawcutting	General Supply	Oakland	CB		105,000	105,000			105,000	105,000	AA	105,000		
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	15,000		15,000			15,000	15,000	H	15,000		
CIPP Lining	Pacific Liners	Vacaville	UB							380,000	C			
HDPE Pipe	P&F Distributors	Brisbane	UB						80,000	80,000	C			
Manhole Mats	US Concrete	Livermore	UB							20,000	C			
Project Totals					\$15,000	\$1,862,988	\$1,877,988	\$15,000		\$1,957,988	\$2,737,280		\$135,000	\$0
					0.77%	95.15%	95.91%	100%	100%	100%	100%		6.89%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.					LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

* 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.: C227310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

CONTRACTOR: Precision Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,335,800	\$2,639,210	\$389,000	-\$303,410

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,639,210.00	\$0.00	\$1,870,210	0%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 9.62%
 - c) % of SLBE participation 1.87%
3. Did the contractor meet the Trucking requirement? NO
 - a) Total SLBE/LBE trucking participation 0%
4. Did the contractor receive bid discounts? NO
 (If yes, list the percentage received) 0%

5. Additional Comments.

For this project, bid item(s) 10, 11 and 22 - 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. Precision Engineering listed \$155,000 in certified local trucking dollars. Based on the other bids received and the project manager's determination, there is not \$155,000 of trucking on this project. Therefore, the firm did not receive credit toward the minimum 20% L/SLBE and 20% trucking participation requirement and is deemed non-responsive.

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

2/25/2009

Date

Reviewing Officer:

[Signature] Date:

2/26/09

Approved By:

Shelley Darsenly Date:

2/26/09

LBE/SLBE PARTICIPATION

Bidder 3

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

Project No.: C227310		Engineers Est: 2,980,470				Under/Over Engineers Estimate: 341,260				For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
			Status			LBE/SLBE	Trucking	Trucking	Dollars	Dollars			
PRIME	Precision Engineering, Inc.	San Francisco	UB						1,655,210	2,035,210	C		
Trucking	CJC Trucking	Oakland	CB								AA	165,000	
Sawcutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	30,000		30,000			30,000	30,000	H	30,000	
Concrete	Berkeley Oakland Ready Mix	Oakland	CB	50,000		50,000			50,000	50,000	C		
Supplies	Level Construction	Oakland	CB		35,000	35,000			35,000	35,000	C		
Supplies	URS Corporation	Oakland	CB	100,000.00		100,000			100,000	100,000	C		
CIPP	Pacific Liners	Vacaville	UB							389,000	NL		
Project Totals				\$180,000	\$35,000	\$215,000	\$0		\$1,870,210	\$2,639,210		\$195,000	\$0
				9.62%	1.87%	11.50%	100%	100%	100%	100%		10.43%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING					Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership	
Legend				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.: C227310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

CONTRACTOR: D'Arcy & Harty

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,335,800	\$2,378,955	\$389,000	-\$43,155

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,378,955.00	\$0.00	\$1,600,955	0%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **2.81%**
 - c) % of SLBE participation **12.49%**
3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total SLBE/LBE trucking participation **0%**
4. Did the contractor receive bid discounts? **NO**
(If yes, list the percentage received) **0%**

5. Additional Comments.
For this project, bid item(s) 10, 11 and 22 - 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. D'Arcy and Harty listed \$120,000 in certified local trucking dollars. Based on the other bids received and the project manager's determination, there is not \$155,000 of trucking on this project. Therefore, the firm did not receive credit toward the minimum 20% L/SLBE and 20% trucking participation requirement and is deemed non-responsive.

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

Reviewing Officer:	<u></u>	Date:	<u>2/25/09</u>
Approved By:	<u></u>	Date:	<u>2/25/09</u>

LBE/SLBE PARTICIPATION

Bidder 4

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Midvale Ave., I-580, Laurel Ave., and Carlsen St.

Project No.:	C227310		Engineers Est: 2,980,470			Under/Over Engineers Estimate: 601,515				For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount			
						LBE/SLBE	Trucking	Trucking	Dollars	Dollars	Ethn.	MBE	WBE
PRIME	D'Arcy & Harty Const. Inc.	San Francisco	UB						1,355,955	1,744,955	C		
Paving Restoration	AJW Construction	Oakland	CB		95,000	95,000			95,000	95,000	H	95,000	
Pipe Supply	General Supply	Oakland	CB		105,000	105,000			105,000	105,000	AA	105,000	
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	30,000		30,000			30,000	30,000	H	30,000	
Trucking	S&S Trucking	Oakland	CB								H	120,000	
Pipe Couplings	Mission Clay Products	Oakland	CB	15,000		15,000			15,000	15,000	C		
CIPP	Pacific Liners	Vacaville	UB							389,000	C		
Project Totals				\$45,000	\$200,000	\$245,000	\$0		\$1,600,955	\$2,378,955		\$350,000	\$0
				2.81%	12.49%	15.30%	100%	100%	100%	100%		21.86%	0%
Requirements:				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity		
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		
Legend				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

WORK PERFORMANCE

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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 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? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <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.

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>3</u> | X 0.25 = | <u>.75</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.50</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>.40</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>.30</u> |
| 5. Enter Overall score from Question 28 | <u>3</u> | X 0.15 = | <u>.45</u> |

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

OAKLAND CITY COUNCIL

[Signature]
City Attorney

2009 APR 30 PM 6:30 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN AN AREA BOUNDED BY MIDVALE AVENUE, I-580 FREEWAY, LAUREL AVENUE AND CARLSEN STREET (PROJECT NO. C227310) FOR THE AMOUNT OF TWO MILLION TWO HUNDRED FIVE THOUSAND THREE HUNDRED FIFTY-SEVEN DOLLARS (\$2,205,357.00)

WHEREAS, on January 29, 2009, five bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation Of Sanitary Sewers In An Area Bounded By Midvale Avenue, I-580 Freeway, Laurel Avenue and Carlsen Street (Project No. C227310); and

WHEREAS, Andes Construction, Inc., a certified SLBE bidding as a prime, is 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. C227310; \$2,205,357; 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 An Area Bounded By Midvale Avenue, I-580 Freeway, Laurel Avenue and Carlsen Street (Project No. C227310) is hereby awarded to Andes Construction Inc. in accordance with the terms of its bid therefore, dated January, 29, 2009, for the amount of Two Million Two Hundred Five Thousand Three Hundred Fifty-Seven Dollars (\$2,205,357.00); 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, \$2,205,357.00, 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, \$2,205,357.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a construction 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 construction contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 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