

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 FEB 11 PM 4:10

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: February 24, 2009

RE: **Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In An Area Bounded By Lakeside Drive, Alice Street, 20th Street and 11th Street (Project No. C59310) For The Amount Of Two Million Five Hundred Seventy Thousand And Forty-Two Dollars (\$2,570,042.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$2,570,042.00 to Andes Construction Inc. for the rehabilitation of sanitary sewers in an area bounded by Lakeside Drive, Alice Street, 20th Street and 11th Street (Project No. C59310). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 3 and as shown in *Attachment A*.

It is recommended that the resolution be approved.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction Inc. in the amount of \$2,570,042.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital project – sanitary sewer design organization (92244); sewers account (57417); Project C59310; \$2,570,042.00.

This project will rehabilitate existing sewer pipes and help reduce the demand for sanitary sewer maintenance.

BACKGROUND

On November 20, 2008, the City Clerk received four bids for this project in the amounts of \$2,570,042.00, \$2,639,615.00, \$3,088,810.00 and \$3,248,000.00 as shown in *Attachment B*. The

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Public Works Committee
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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 \$2,296,845.00.

Under the proposed contract with Andes Construction Inc., LBE/SLBE participation of \$1,873,379.00 (98.94%) 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 \$128,502.00. 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 February 2009 and should be completed by September 2009. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 135 working days. The project schedule is shown in *Attachment B*.

PROJECT DESCRIPTION

This project will rehabilitate and upsize the sanitary sewer pipes within the project area, add additional flow capacity, eliminate the infiltration of rain and groundwater into the sanitary sewer system and limit overflows and backups during wet weather.

In general, the proposed work consists of rehabilitation of approximately 5,823 lineal feet of various diameter sewer mains by pipe expanding; installation of 7,877 lineal feet of Cured-in-Place Liner into various diameter sewer mains; replacement of 1,091 lineal feet of various diameter sewer mains by open trench; new construction of 943 lineal feet of various diameter sewer mains by open trench; rehabilitating house connection sewers; reconnecting house connection sewers; and other ancillary works as indicated on the plans and specifications.

EVALUATION OF PAST PERFORMANCE

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

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

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.

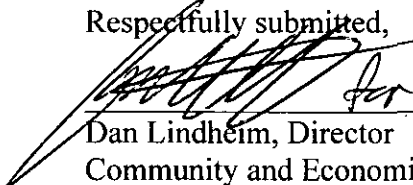
RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Andes Construction, Inc., the lowest responsive responsible bidder, in the amount of \$2,570,042.00 for the rehabilitation of sanitary sewers in an area bounded by Lakeside Drive, Alice Street, 20th Street and 11th Street (Project No. C59310). 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,



Dan Lindheim, 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:

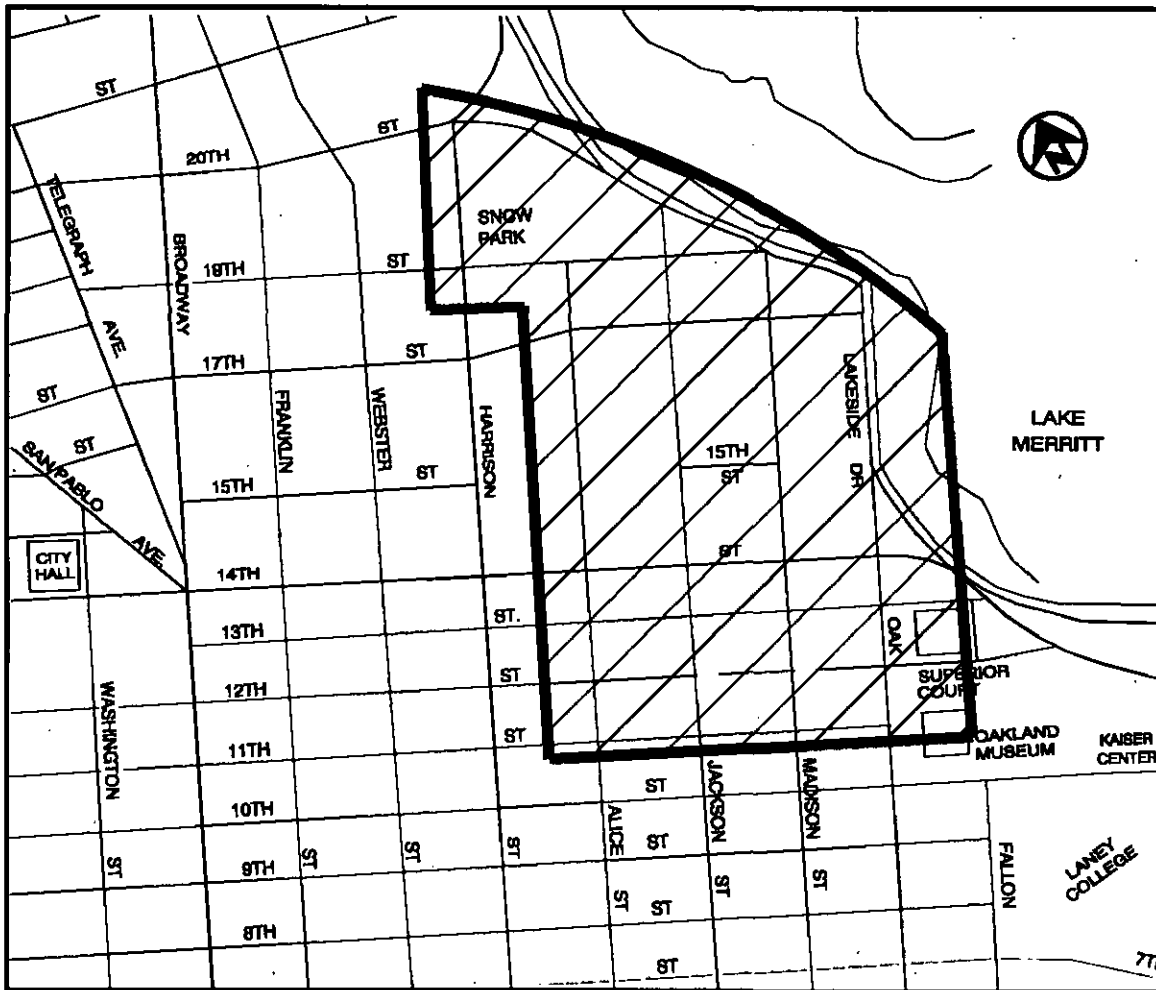


Office of the City Administrator

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February 24, 2009

THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY LAKESIDE DRIVE, ALICE STREET, 20TH STREET, AND 11TH STREET. (SUBBASIN 52-13 AND RELIEF 52-8.300 & 8.400)

CITY PROJECT NO. C59310



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 

Attachment B

**Rehabilitation of Sanitary Sewers In An Area Bounded By Lakeside Drive,
Alice Street, 20th Street and 11th Street
(Project No. C59310)**

List of Bidders

Company	Location	Bid Amount
Andes Construction, Inc.	Oakland	\$2,570,042.00
Precision Engineering, Inc.	San Francisco	\$2,639,615.00
Pacific Trenchless, Inc.	Oakland	\$3,088,810.00
KJ Wood Construction, Inc.	Oakland	\$3,248,000.00

Project Schedule

ID	Task Name	Start	2007				2008				2009				2010
			Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1
1	Proj. No. C59310	Mon 5/7/07													
2	Design	Mon 5/7/07													
3	Bid/Award	Mon 10/20/08													
4	Construction	Mon 3/16/09													



Memo

Department of Contracting and Purchasing

Social Equity Division

To: Allen Law - Project Manager
 From: Sophany Hang - Acting Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*
 CC: Gwen McCormick - Contract Administrator Supervisor
 Date: **January 13, 2009**
 Re: C59310 – Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive, Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300 & 51-8-400)

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed four (4) 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	G	H	I	J		
Andes Construction	\$2,570,042	\$676,663	\$1,893,379	98.94%	.26%	98.68%	100%	98.94%	5%	\$2,441,540	2%	Y
Pacific Trenchless, Inc.	\$3,088,810	\$603,090	\$2,485,720	95.66%	2.21%	93.44%	100%	95.66%	5%	\$2,934,370	2%	Y
KJ Woods Construction	\$3,248,000	\$113,700	\$1,847,330	46.19%	3.36%	42.84%	100%	46.19%	4	\$3,174,107	0%	Y

Comments: As noted above, all firms exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

Non-Responsive				Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Precision Engineering, Inc.	\$2,639,615	\$1,343,825	\$1,295,790	19.45%	10.80%	8.64%	100%	0%	0%	\$0	0%	Y

Comments: As noted above, Precision Engineering, Inc. failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they 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?	NA
Were all shortfalls satisfied?	NA	If no, penalty amount	NA

15% Oakland Apprenticeship Program

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

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.0

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	
A	B	C	D	E	F	G	H	I	J			
3,886	1,945	50%	973	100%	3,670	0	0	100%	402	15%	292	0

Comments: None

Should you have any questions, you may contact Department of Contracting and Purchasing (DC&P) at (510) 238-3970.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C59310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400)

CONTRACTOR: Andes Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's</u>
\$2,296,845	\$2,570,042	\$676,663	\$273,197

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,441,540	\$128,502	\$1,893,379	5%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 0.26%
 - c) % of SLBE participation 98.68%
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 items numbers 9, 10, 11 and 12 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:

Vivian Palma

Date:

1/13/2009

Date

1/13/09

Approved By

Shelley Oarensky

Date:

1/13/09

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St.
(Subbasin 52-13 and Relief 52-8.300& 51-8-400)

Project No.: C59310		Engineers Est: 2,296,845				Under/Over Engineers Estimate: -273,197					For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE	
PRIME	Andes Construction	Oakland	CB		1,848,379	1,848,379			1,848,379	2,525,042	C			
Saw Cutting	Bay Line	Oakland	CB	5,000		5,000			5,000	5,000	H	5,000		
Trucking	Irvin Trucking	Oakland	CB		20,000	20,000	20,000	20,000	20,000	20,000	AA	20,000		
Trucking	S&S Trucking	Oakland	UB						20,000	20,000	H	20,000		
Project Totals				\$5,000	\$1,868,379	\$1,873,379	\$20,000	\$20,000	\$1,893,379	\$2,570,042		\$45,000	\$0	
				0.26%	98.68%	98.94%	100%	100%	100%	100%		1.75%	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.: C59310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400)

CONTRACTOR: Pacific Trenchless

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
\$2,296,845	\$3,088,810	\$603,090	\$791,965
Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt.	Discount Points:
\$2,934,370	\$154,441	\$2,485,720	5%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **2.21%**
 - c) % of SLBE participation **93.44%**
- 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 items numbers 9, 10, 11 and 12 Cured In Place Pipe (CIPP) specialty work was excluded from that 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 Juma* **Date:** 1/13/2009
Approved By: *Shelley Darenishky* **Date:** 1/13/09

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400)

Project No.: C59310		Engineers Est: 2,296,845				Under/Over Engineers Estimate: 2,296,845					For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	LBE/SLBE Trucking	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE	
PRIME	Pacific Trenchless	Oakland	CB		2,304,720	2,304,720			2,304,720	2,482,065	C			
CIPP Lining	Instituform Tech.	Benecia	UB							425,745	C			
Trucking	Williams Trucking	Oakland	CB		18,000	18,000	18,000	18,000	18,000	18,000	AA	18,000		
Sawcutting	Bay Line Concrete	Oakland	CB	25,000		25,000			25,000	25,000	H	25,000		
HDPE Pipe	P&F Distributors	Brisbane	UB						83,000	83,000	C			
Manhole Mats	US Concrete	Livermore	UB						25,000	25,000	C			
Pipe/Fittings	Mission Clay Products	Oakland	CB	30,000		30,000			30,000	30,000	C			
Project Totals				\$55,000	\$2,322,720	\$2,377,720	\$18,000	\$18,000	\$2,485,720	\$3,088,810		\$43,000	\$0	
				2.21%	93.44%	95.66%	100%	100%	100%	100%		1.39%	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										

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C59310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400)

CONTRACTOR: KJ Woods Construction

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's
\$2,296,845	\$3,248,000	\$113,700	\$951,155

Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid amt.	Discount Points:
\$3,174,107	\$73,893	\$1,847,330	4%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **3.36%**
 - c) % of SLBE participation **42.84%**
- 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) **4%**
- 5. Additional Comments.

For this project, bid items numbers 9, 10, 11 and 12 Cured In Place Pipe (CIPP) specialty work was excluded from that total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

Reviewing Officer: [Signature]

Date: 1/13/2009

Approved By: Shelley Darenburg

Date: 1/13/09

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive, Alice St., 20th and 11th St.
(Subbasin 52-13 and Relief 52-8.300& 51-8-400)

Project No.: C59310		Engineers Est: 2,296,845			Under/Over Engineers Estimate: 2,296,845								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	LBE/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
											Ethn.	MBE	WBE
PRIME	KJ Woods Construction	Oakland	CB		376,353	376,353			1,370,330	2,236,000	C		
	S&S Trucking	Oakland	UB		150,000	150,000	150,000	150,000	150,000	150,000	AA	150,000	
Sawing	Bay Line Concrete	Oakland	CB	10,000		10,000			10,000	10,000	C		
Supplier	General Supply	Oakland	CB		80,000	80,000			80,000	80,000	AA	80,000	
Supplier	Mission Clay	Oakland	CB	52,000		52,000			52,000	52,000	C		
Partial Exc.	Peak Engineering	Oakland	CB		185,000	185,000			185,000	185,000	AI	185,000	
CIPP Lining	Pipenology	Rocklin	UB							535,000	C		
Project Totals				\$62,000	\$791,353	\$853,353	\$150,000	\$150,000	\$1,847,330	\$3,248,000		\$415,000	\$0
				3.36%	42.84%	46.19%	100%	100%	100%	100%		12.78%	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.: C59310

PROJECT NAME: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400)

CONTRACTOR: Precision Engineering

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar amt.</u>	<u>Over/Under Engineer's Estimate</u>
2,296,845	\$2,639,615	\$1,343,825	\$342,770

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$0	\$0	\$1,295,790	0%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO
 - b) % of LBE participation 10.80%
 - c) % of SLBE participation 8.64%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO

(If yes, list the percentage received) 0%

5. Additional Comments.

For this project, bid items numbers 9, 10, 11 and 12 Cured In Place Pipe (CIPP) specialty work was excluded from that total bid price for the purposes of determining compliance with the 20% L/SLBE requirement. Contractor failed to meet the minimum 20% L/SLBE requirement. Therefore, they are deemed nonresponsive.

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

1/13/2009
Date

Reviewing Officer:

Amia J. [Signature]

Date:

1/13/09.

Approved By:

Shelley Darenburg

Date:

1/13/09

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by Lakeside Drive., Alice St., 20th and 11th St. (Subbasin 52-13 and Relief 52-8.300& 51-8-400).

Project No.: C59310		Engineers Est: 2,296,845				Under/Over Engineers Estimate: 2,296,844					For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount			
PRIME	Precision Engineering	San Francisco	UB						1,043,790	1,962,615	C		
Trucking	CJC Trucking	Oakland	CB		106,000	106,000	106,000	106,000	106,000	106,000	AA	106,000	
Sawcutting	Bay Line Sawcutting	Oakland	CB	20,000		20,000			20,000	20,000	H	20,000	
Concrete	Berkeley Oakland Ready Mix	Oakland	CB	40,000		40,000			40,000	40,000	C		
Material	Level Construction	Oakland	CB		6,000	6,000			6,000	6,000	C		
Material	URS Corporation	Oakland	CB	80,000		80,000			80,000	80,000	C		
CIPP	Instituform Tech	Benecia	Ub							425,000	C		
Project Totals				\$140,000	\$112,000	\$252,000	\$106,000	\$106,000	\$1,295,790	\$2,639,615		\$126,000	\$0
				10.80%	8.64%	19.45%	100%	100%	100%	100%		4.77%	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.

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

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 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"/>	

		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.	<input checked="" type="checkbox"/>		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.	<input checked="" type="checkbox"/>		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"/>	<input checked="" type="checkbox"/>

FINANCIAL

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

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

SAFETY

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

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

ANDES CONSTRUCTION

Project No

C135410

OVERALL RATING:

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

- | | | | |
|---|----------|----------|------------|
| 1. Enter Overall score from Question 7 | <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

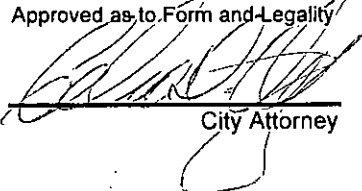
Jim Murray 1/11/2008
Supervising Civil Engineer / Date

Jim Della 1-10-08

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2009 FEB 11 PM 4 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN AN AREA BOUNDED BY LAKESIDE DRIVE, ALICE STREET, 20TH STREET AND 11TH STREET (PROJECT NO. C59310) FOR THE AMOUNT OF TWO MILLION FIVE HUNDRED SEVENTY THOUSAND AND FORTY-TWO DOLLARS (\$2,570,042.00)

WHEREAS, on November 20, 2008, four 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 Lakeside Drive, Alice Street, 20th Street and 11th Street (Project No. C59310); 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. C59310; \$2,570,042; 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 Lakeside Drive, Alice Street, 20th Street and 11th Street (Project No. C59310) is hereby awarded to Andes Construction Inc. in accordance with the terms of its bid therefore, dated November 20, 2008, for the amount of Two Million Five Hundred Seventy Thousand And Forty-Two Dollars (\$2,570,042.00); 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, \$2,570,042.00, 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, \$2,570,042.00, 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