

OFFICE OF THE CLERK  
2007 JUL 10 11:49

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Public Works Agency  
DATE: July 10, 2007

RE: **Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers And Storm Culvert In The Easement Off Butters Drive (Project No. C135410) For The Amount Of Two Hundred Eighty-Five Thousand One Hundred Sixty-Seven Dollars (\$285,167.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$285,167.00 to Andes Construction, Inc. for the rehabilitation of Sanitary Sewers and Storm Culvert in the Easement off Butters Drive (Project No. C135410). 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 4 and is shown on the location map in *Attachment A*.

It is recommended that the resolution be approved.

### FISCAL IMPACT

There are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100), Capital Project Sanitary Sewer Design Organization (92244), and Sewers Account (57417), Rehabilitation of Sanitary Sewers and Storm Culvert in the Easement off Butters Drive (Project No. C135410). These funds were specifically allocated for this project.

### BACKGROUND

On April 9, 2007 the City Clerk received three bids for this project in the amounts of \$285,167.00, \$334,548.00, and \$389,916.00, 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 \$272,370.00.

Item: \_\_\_\_\_  
Public Works Committee  
July 10, 2007

This project will rehabilitate and upgrade the sanitary sewers within the project area, eliminate the infiltration of rain and groundwater into the sanitary sewer system, and limit the overflows and backups during wet weather.

In general, the proposed work consists of rehabilitating/replacing approximately 1,185 lineal feet of existing 8" diameter sanitary sewer pipes; 430 lineal feet of existing 10" to 18" diameter pipes; rehabilitating or replacing sewer structures; reconnecting house connection sewers; and other related work as indicated on the plans and specifications.

Under the proposed contract with Andes Construction, Inc. SLBE participation of \$285,167.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in *Attachment C*.

### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin in August 2007 and should be completed by November 2007. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 60 working days is exceeded. The project schedule is shown in *Attachment B*. The Local Employment Program/Oakland Apprenticeship Program Compliance is also included in Attachment C.

### **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.

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.

## RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to the responsible and responsive bidder, Andes Construction Inc., in the amount of \$285,167.00 for the rehabilitation of Sanitary Sewers and Storm Culvert in the Easement off Butters Drive (Project No. C135410). 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,

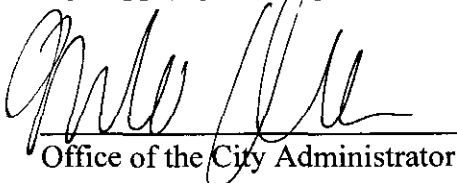


Raul Godinez II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E.  
Assistant Director, Public Works Agency

Prepared by:  
Yader Bermudez, Manager  
Engineering Design & Right-of-Way  
Management Division

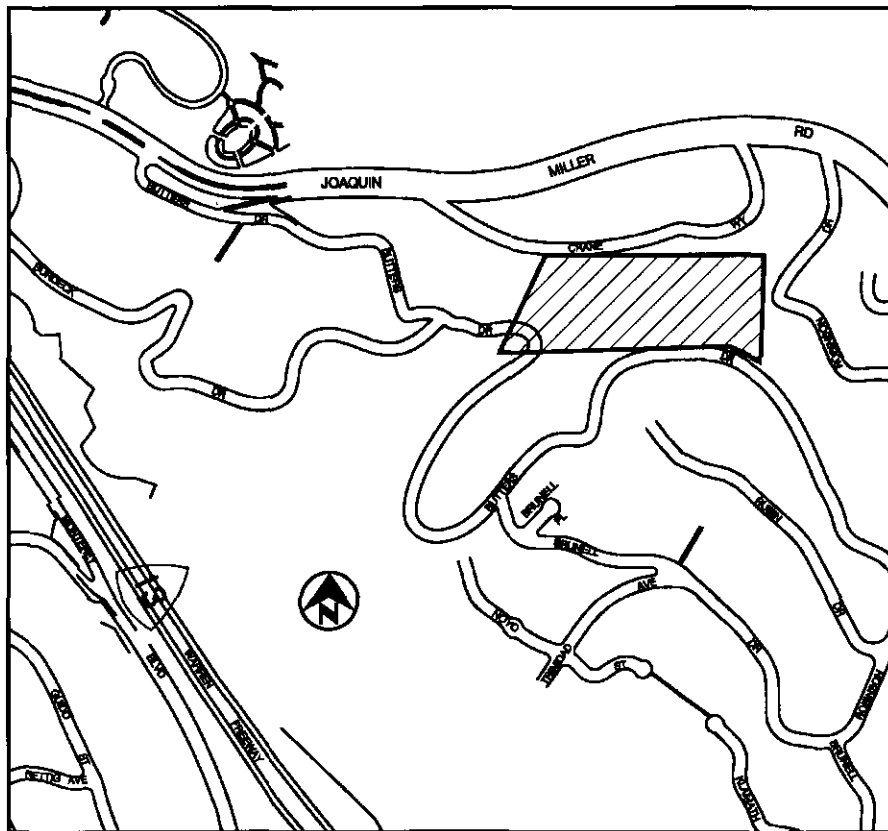
APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

  
Office of the City Administrator

*Attachment A*

**PLANS FOR THE REHABILITATION OF  
SANITARY SEWERS AND STORM CULVERT  
IN THE EASEMENT OFF BUTTERS DRIVE**

CITY PROJECT NO. C135410



**LOCATION MAP**

NOT TO SCALE

LIMIT OF WORK 

Item: \_\_\_\_\_  
Public Works Committee  
July 10, 2007

**Attachment B**

**Rehabilitation of Sanitary Sewers and Storm Culvert  
in the Easement Off Butters Drive  
(Project No. C135410)**

**List of Bidders**

Company	Proposed Participation	Location	Bid Amount
Andes Construction, Inc.	SLBE	Oakland	\$285,167.00
Mosto Construction	SLBE	Oakland	\$334,548.00
Pacific Trenchless	SLBE	Oakland	\$389,916.00

**Project Schedule**

ID	Task Name	Start	Finish	2005				2006				2007			
				Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Project No. C135410	Mon 5/2/05	Fri 11/16/07												
2	Pre-Design	Mon 5/2/05	Fri 5/27/05												
3	Design	Thu 6/2/05	Fri 8/25/06												
4	Bid/Award	Mon 8/28/06	Tue 7/10/07												
5	Construction	Mon 7/16/07	Fri 11/16/07												

*Attachment C*

RECEIVED  
CONTRACT ADMINISTRATION

2007 MAY -7 AM 9:53



CITY OF  
OAKLAND

# Memo

Office of the City Administrator  
Contract Compliance & Employment Services Division

To: Gwen McCormick, Supervisor, Contract Administration, PWA  
From: Vivian Inman, Contract Compliance Officer, CC&ES Division  
Through: Deborah Barnes, Contract Compliance & Employment Services Manager *Deborah Barnes*  
CC: Allen Law, Civil Engineer  
Date: May 4, 2007  
Re: Compliance Analysis: Rehabilitation of Sanitary Sewers and Culvert in the Easement off Butters Drive

Contract Compliance & Employment Services reviewed three (3) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

The L/SLBE findings are as follows:

	Company Name	Bid Amount (If Applicable)	Proposed Participation			Preferences			Banked Credits Eligibility?	EBO Compliant? (Y/N)	
			Total L/SLBE	LBE	SLBE	*Trucking	Total Credited	Adjusted Bid Amount			Points
1	Andes Construction	\$285,167	100%	0%	100%	0%	100%	\$270,909	5%	2	Y
2	Mosto Construction	\$334,548	99.73%	0%	99.73%	100%	99.73%	\$317,821	5%	2	Y
3	Pacific Trenchless	\$389,916	99.15%	0%	99.15%	100%	99.15%	\$370,420	5%	2	Y

As noted above Andes Construction reported 100% small local business participation, Mosto Construction reported 99.73% and Pacific Trenchless reported 99.15%. Please note per the project manager trucking is not a significant amount of the project since most of the project entails pipe-expanding and the use of open trenches.

All firms are EBO compliant.

**For Informational Purposes:**

The chart below provides a summary of the Local Employment Program (LEP) and the Oakland Apprenticeship Program goals achieved by Andes on the Rehabilitation of Sanitary Sewer at Broadway, MacArthur & Richmond Boulevards, completed on February 28, 2007.

Total Contractor	Total Hrs.	Resident Hrs.	LEP Goal Hrs.	Oakland App Hrs.	15% App Utilization	15% App Goal Shortfall
<b>Andes</b>	5,455.0	5,455.5*	2,727.75	-0-**	409.16	409.16
	100%	100%	50%	-0- %	7.5%	7.5%

\*Actual employment **exceeded** LEP goal (Adjusted for core employee utilization)

\*\*Actual employment **does not** meet 15% Apprenticeship goal

Per program requirements Andes Construction has one year to work off the Apprenticeship shortfall hours by working Oakland residents on non-city projects. If at the end of this period all the deficient hours have not been eliminated, the Contractor will forfeit 150% of the wages for any remaining deficient hours to the City as a fine.

If you have questions or need additional information, regarding small local business compliance please contact Vivian Inman, Contract Compliance Officer, at 238-6261 or for Local Employment you may contact Jonathan Dumas, Local Employment Supervisor at 238-7359.





**CONTRACT COMPLIANCE & EMPLOYMENT SERVICES**  
**PROJECT EVALUATION FORM**

PROJECT NO. C135410

PROJECT NAME Rehabilitation of Sanitary Sewers and Culvert in the Easement Off Butters Drive

CONTRACTOR: Andes Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$272,370	\$285,167	-\$12,797

<u>Bid discounted amount:</u>	<u>Discount Points:</u>
\$270,909	5%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0.00%

b) % of SLBE participation 100.00%

3. Did the contractor meet the Trucking requirement? NA

a) Total trucking participation 0.00%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received, 5%

5. Additional Comments.

Per the project manager trucking will not be a significant amount since most of the project entails pipe-expanding and the use of open trench

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

4/18/2007

Date

Reviewing Officer:

Nina James

Date: 4/19/07

Approved By

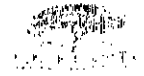
Devon Deane

Date: 4/20/07

## LBE/SLBE Participation Andes Construction

**Project Name:** Rehabilitation of Sanitary Sewers & Storm Culvert in the Easement off Butters Drive

<b>Project No.:</b> C135410		<b>Engineers Est:</b> 272,370.00				<b>Under/Over Engineers Estimate:</b> -12,797.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only					
										Ethnicity	MBE	WBE			
PRIME	Andes Construction	Oakland	CB		\$285,167.00	\$285,167.00			\$285,167.00	H	\$285,167.00				
<b>Project Totals</b>				\$0.00	\$285,167.00	\$285,167.00	\$0.00	\$0.00	\$285,167.00		\$285,167.00	\$0.00			
				0.00%	100.00%	100.00%	100.00%	100.00%	100.00%		100.00%				
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other						
<b>Legend</b>				LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLBE = NonProfit Local Business Enterprise			NPSLBE = NonProfit Small Local Business Enterprise		
				UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise					



**CONTRACT COMPLIANCE & EMPLOYMENT SERVICES**  
**PROJECT EVALUATION FORM**

PROJECT NO. C135410

PROJECT NAME Rehabilitation of Sanitary Sewers and Culvert in the Easement Off Butters Drive

**CONTRACTOR: Mosto Construction**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$272,370	\$334,548	-\$62,178

<u>Bid discounted amount:</u>	<u>Discount Points:</u>
\$317,821	5%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE	<u>0.00%</u>
b) % of SLBE	<u>99.73%</u>

3. Did the contractor meet the Trucking NA

a) Total trucking participation 100.00%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received: 5%

5. Additional Comments.

**Mosto Construction did list trucking participation , however, per the project manager trucking will not be a significant amount since most of the project entails pipe-expanding and the use of open trench**

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

4/18/2007

Date

Reviewing Officer:

Nicia Roman

Date: 4/19/07

Approved By

Deborah Berner

Date: 4/20/07

## LBE/SLBE Participation Mosto Construction

Project Name: Rehabilitation of Sanitary Sewers & Storm Culvert in the Easement off Butters Drive

Project No.: C135410		Engineers Est: 272,370.00				Under/Over Engineers Estimate: -62,178.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Trucking Trucking	Mosto Construction	Oakland	CB		\$333,248.00	\$333,248.00			\$333,248.00	H	\$333,248.00	
	18 Trucking	Oakland	UB						\$900.00	C		
	Monroe Trucking	Oakland	CB		\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	AA	\$400.00	
<b>Project Totals</b>				\$0.00	\$333,648.00	\$333,648.00	\$400.00	\$400.00	\$334,548.00		\$333,648.00	\$0.00
				0.00%	99.73%	99.73%	100.00%	100.00%	100.00%		99.73%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								



**CONTRACT COMPLIANCE & EMPLOYMENT SERVICES  
PROJECT EVALUATION FORM**

PROJECT NO. C135410

PROJECT NAME Rehabilitation of Sanitary Sewers and Culvert in the Easement Off Butters Drive



**CONTRACTOR:** Pacific Trenchless

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$272,370	\$389,916	-\$117,546

<u>Bid discounted amount:</u>	<u>Discount Points:</u>
\$370,420	5%



1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE	<u>0.00%</u>
b) % of SLBE	<u>99.15%</u>

3. Did the contractor meet the Trucking NA

a) Total trucking participation 100.00%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 5%

5. Additional Comments.

**Pacific Trenchless did list trucking participation, however, per the project manager trucking will not be a significant amount since most of the project entails pipe-expanding and the use of open trench**

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

4/18/2007

Date

Reviewing  
Officer:

*Nuria Gomez*

Date: 4/19/07

Approved By

*Debra Laine*

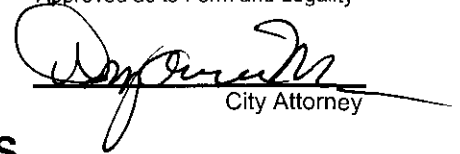
Date: 4/20/07

## LBE/SLBE Participation Pacific Trenchless

**Project Name:** Rehabilitation of Sanitary Sewers & Storm Culvert in the Easement off Butters Drive

Project No.: C135410		Engineers Est.: 272,370.00				Under/Over Engineers Estimate: -117,546.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethnicity	MBE	WBE
PRIME Trucking CIPP	Pacific Trenchless	Oakland	CB		\$374,616.00	\$374,616.00			\$374,616.00	C		
	Royal Trucking	Oakland	CB		\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	AA	\$300.00	
	Instituton Technologies	Oakland	UB						\$15,000.00	AA	\$15,000.00	
<b>Project Totals</b>				\$0.00	\$374,916.00	\$374,916.00	\$300.00	\$300.00	\$389,916.00		\$15,300.00	\$0.00
				0.00%	96.15%	96.15%	100.00%	100.00%	100.00%		3.92%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

# OAKLAND CITY COUNCIL

  
City Attorney

OFFICE OF THE CITY CLERK

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

2007 JUN 27 PM 1:50

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

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS AND STORM CULVERT IN THE EASEMENT OFF BUTTERS DRIVE (PROJECT NO. C135410) FOR THE AMOUNT OF TWO HUNDRED EIGHTY-FIVE THOUSAND ONE HUNDRED SIXTY-SEVEN DOLLARS (\$285,167.00)**

**WHEREAS**, on April 9, 2007, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers and Storm Culvert in the easement off Butters Drive (Project No. C135410); 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 Sewer Service Fund (3100), Capital Project Sanitary Sewer Design Organization (92244), and Sewers Account (57417), Rehabilitation of Sanitary Sewers and Storm Culvert in the easement off Butters Drive (Project No. C135410) and these funds were specifically allocated for this project; 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 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 contract for the Rehabilitation of Sanitary Sewers and Storm Culvert in the easement off Butters Drive (Project No. C135410) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated April 9, 2007, for the amount of Two Hundred Eight-Five Thousand One Hundred Sixty-Seven Dollars (\$285,167.00) and City plans and specifications for the project; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$285,167.00, 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, \$285,167.00, with respect to such work are hereby approved; and be it

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

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

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; 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, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California