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OFFICE OF THE CITY CLERK
OAKLAND
2012 SEP 13 PM 3:11

CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Rehab of Sanitary Sewers

DATE: July 23, 2012

City Administrator Approval

Date 9/13/12

COUNCIL DISTRICT: 4

RECOMMENDATION

Staff recommends that City Council adopt a resolution awarding a construction contract to Andes Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410), in the amount of two million nine hundred seventy-five thousand dollars ($2,975,000.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Andes Construction, Inc. in the amount of $2,975,000.00. 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 as shown in ***Attachment A***.

This project will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area.

BACKGROUND/LEGISLATIVE HISTORY

On June 21, 2012, the City Clerk received four bids for this project in the amount of $2,975,000.00, $3,549,369.00, $3,663,425.00, and $3,857,359.00 as shown in ***Attachment B***. Andes Construction, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is $3,448,920.00.

The project is required as part of a program mandated by the California State Water Resources Control Board to reduce the infiltration and inflow of storm water into the sanitary sewer system.

Item: 4
Public Works Committee
September 25, 2012

ANALYSIS

Construction is scheduled to begin in October 2012 and should be completed by April 2013. 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.

Under the proposed contract with Andes Construction, Inc., Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation of $2,619,662.00 (92.19%) exceeds the City's 50% LBE/SLBE requirement. The contractor shows $20,000.00 (100%) for trucking, exceeding the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in ***Attachment C***.

Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

PUBLIC OUTREACH/INTEREST

The project area improvement and merchants associations have been notified in writing about this project.

COORDINATION

Offices consulted in the preparation of this report are the following:

- Office of the City Attorney
- City Budget Office
- Public Works Agency – Department of Infrastructure and Operations

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with Andes Construction, Inc. in the amount of $2,975,000.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

   The Engineer's estimate for the work is $3,448,920.00.
   The contractor bid price is $2,975,000.00.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: $2,975,000.00

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C312410	$2,975,000.00

4. FISCAL IMPACT:

   Approval of this resolution will authorize the City Administrator to execute a construction contract with Andes Construction, Inc. in the amount of $2,975,000.00. This project will rehabilitate existing sewer pipes, reduce rain-related sewer overflows, and improve sewer pipe conditions in the area, and reduce ongoing maintenance costs.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

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

SUSTAINABLE OPPORTUNITIES

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

Environmental: Replacing sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project is part of the citywide program to eliminate wastewater overflows, thereby benefiting all Oakland residents.

CEQA

A Negative Declaration for sewer rehabilitation projects was adopted by Ordinance No. 10876 C.M.S. and with approval by City Council on June 23, 1987.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,

VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director,
PWA, Department of Engineering and Construction

Reviewed by:
Gus Amirzehni, P.E., Engineering and R.O.W. Manager

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

Attachments:

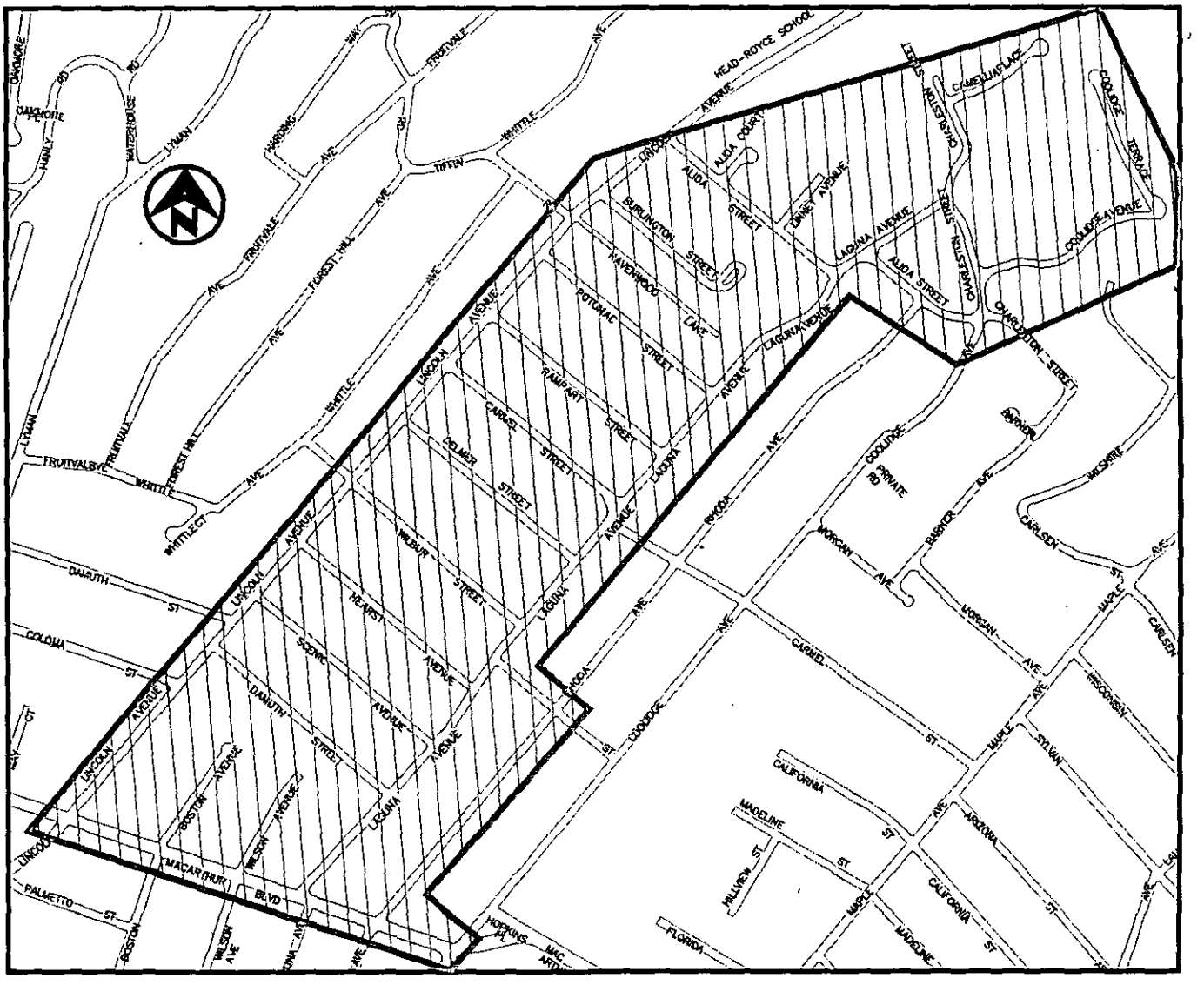
Attachment A – Project Location Map
Attachment B – List of Bidders and Project Construction Schedule
Attachment C – Contracts & Compliance Unit Compliance Evaluation
Attachment D – Contractor Performance Evaluation

Item: 4
Public Works Committee
September 25, 2012

Attachment A

REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MACARTHUR BOULEVARD, LINCOLN AVE, COOLIDGE TERRACE AND COOLIDGE AVENUE (SUB-BASIN 80-113)

CITY PROJECT NO. C312410



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK

Attachment B

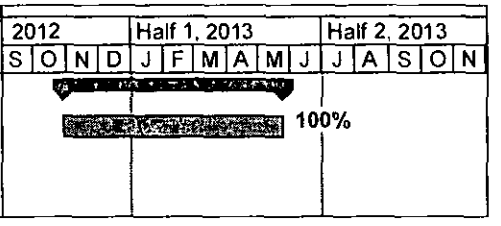
Rehabilitation of Sanitary Sewers in the Area Bounded by MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410)

List of Bidders

Company	Location	Bid Amount
Andes Construction, Inc	Oakland	$2,975,000.00
Valentine Corporation	San Rafael	$3,549,369.00
J. Howard Engineering, Inc.	Burlingame	$3,663,425.00
Pacific Trenchless, Inc.	Oakland	$3,857,359.00

Project Construction Schedule

ID	Task Name	Start	Finish
1	Proj. No. C312410	Mon 10/29/12	Fri 5/24/13
2	Construction	Mon 10/29/12	Fri 5/24/13



Attachment C

Memo

CITY OF OAKLAND

CITY ADMINISTRATOR'S OFFICE
Contracts and Compliance Unit

To: Gunawan Santoso, Resident Engineer
From: Sophany Hang – Assistant Contract Compliance Officer
Through: Deborah Barnes – Manager, Contracts and Compliance
Shelley Darensburg - Sr. Contract Compliance Officer S. Darensburg
CC: Calvin Hao, PWA Contracts
Date: July 5, 2012
Re: C312410 – Rebid – Rehabilitation of Sanitary Sewers Bounded by Mac Arthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue.

The City Administrator's Ofiice, Contracts and Compliance Unit, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of 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 50% 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 Original Bid Amount (column A).

Responsive				Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	A	B	C						D	E	F	
Andes Construction, Inc.	$2,975,000	$133,338	$2,841,662	92.54%	0.53%	91.31%	0.70%	100%	92.54%	5%	$2,832,916.90	Y
Valentine Corporation	$3,549,369	$84,510	$3,473,357	52.49%	4.08%	36.01%	12.40%	100%	52.49%	2%	$3,403,889.86	Y
J. Howard Engineering, Inc.	$3,633,445	$103,290	$3,530,135	93.06%	.54%	92.52%	0.00%	100%	93.06%	5%	$3,456,938.25	Y
Pacific Trenchless, Inc.	$3,857,359	$56,340.00	$3,801,019	93.47%	.79%	91.62%	1.06%	100%	93.47%	5%	$3,667,308.05	Y

Comments: As noted above, all firms exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant. Per the L/SLBE program VSLBE/LPG participation has been double counted towards meeting the requirement.

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

Comments: There were no non-responsive firms.

For Informational Purposes

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

Contractor Name: Andes Construction
Project Name: Rehabilitation of Sanitary Sewers in Area Bounded by MacArthur, Pleitner, Nicol, Berlin and Curran Avenue
Project No: C276210

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

	50% Local Employment Program (LEP)							15% Apprenticeship Program				
Total Project Hours	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours	
A	B	C		D		E	F	G	H	I		J	
		Goal	Hours	Goal	Hours					Goal	Hours		
16376	8188	50%	5094	100%	14304	0	0	100%	3046	15%	2556	0	

Comments: Andes Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 1523 on-site hours and 1523 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

CONTRACTS AND COMPLIANCE UNIT

OAKLAND

Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C312410

PROJECT NAME: Rebid-Rehabhiiitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

CONTRACTOR: Andes Construction, Inc.

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$3,448,920.00	$2,975,000.00	$133,338.00	$473,920.00

Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt	Discount Points:
$2,832,916.90	$142,083.10	$2,841,662.00	5%

1. Did the 50% requirements apply? YES

2. Did the contractor meet the 50% requirement? YES

   b) % of LBE participation 0.53%
   c) % of SLBE participation 91.31%
   d) % of VSLBE/LPG participation 0.70%

3. Did the contractor meet the L/SLBE Trucking requirement? YES

   a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

   (If yes, list the percentage received) 5%

5. Additional Comments.

Bid item #7 is considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Proposed VSLBE/LPG participation is valued at .35%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 7/3/2012 Date

Reviewing Officer: _____ Date: 7/3/2012

Approved By: Shelley Darensburg Date: 7/3/2012

BIDDER 1

Project Name: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

C312410		Engineers Est.	$3,448,920.00			Under/Over Engineers Estimate:				$473,920.00			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total LBE/SLBE	L/SLBE TrucMng	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	For Tracking Only Ethn.	MBE	WBE
PRIME	Andes Construction, Inc.	Oakland	CB		2,559,662		2,569,662			2,569,662	2,696,000	C		
Saw Cutting	Bay Line	Berkeley	UB							5,000	5,000	H	5,000	
Trucking	Foston Trucking	Oakland	CB		20,000		20,000	20,000	20,000	20,000	20,000	AA	20,000	
Precast	U.S Concete	Livermore	UB							7,500	7,500	C		
Pipe Mat.	ISCO	Louisville	UB							175,000	175,000	C		
Pipe Couplings	Missior Clay	Oakland	CB	3,000			3,000			3,000	3,000	C		
Rehab Mat.	Contech	Stockton	UB							7,500	7,500	C		
AC Mat.	Gallagher & Burk	Oakland	CB			10,000	10,000			10,000	10,000	C		
OR Mat.	Dutra Material	San Rafeal	UB							7,000	7,000	C		
Concrete	Right Away	Oakland	CB	12,000			12,000			12,000	12,000	C		
Felt Mat.	Masterfiners	Hammond	UB								5,000	C		
Resin Mat.	Composit1	Sacramento	UB								2,000	C		
Pip fittings	Greoigers	Hayward	UB							$20,000	$20,000	C		
AB Material	Inner-City	Oakland	CB		$5,000		$5,000			$5,000	$5,000	G		
Proiect Totals				$15,000	$2,594,562	$10,000.00	$2,619,662	$20,000	$20,000	$2,841,662	$2,875,000		$25,000	$0
				0.53%	91.31%	0.35%	92.19%	100.00%	100.00%	100.00%	100.00%		0.88%	0.00%

Requirements:
The 50% requirment b a combination of 25% LBE and 25% *SLBE participation.* An SLBE firm can be counted 100% towards achieving the 50% requirement. A *VSLBE* and LPG's participation is double counted toward meeting the requirement.

LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE/VSLBE/LPG | 50% LBE/SLBE TRUCKING

Ethnic
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
VSLBE = very *Small Business Enterprise*
LPG = Locally Produced Goods
Total LBE/SLBE = All Certified Local and Small Local Businesses
NPLBE = NonProfit Local Business Enterprise
NPSLBE = NonProfit Small Local Business Enterprise

UD = Uncertified Business
CB = Certified Business
MBE = Minority Business Enterprise
WBE = Women Business Enterprise

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with mininum 50% L/SLBE particlpation requfremcnL

** Proposed VSLBE/LPG particiation is valued at .35%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CONTRACTS AND COMPLIANCE UNIT

Contract Compliaacc Division

PROJECT EVALUATION FORM

PROJECT NO.: C312410

PROJECT NAME: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

CONTRACTOR: Valentine Corporation

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$3,448,920.00	$3,549,369.00	$84,510.00	-$100,449.00

Discounted Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt.	Discount Points:
$3,403,889.66	$69,467	$3,473,357.00	2%

1. Did the 50% L/SLBE requirement apply? YES

2. Did the contractor meet the 50% requirement? YES

b) % of LBE participation 4.08%
c) % of SLBE participation 36.01%
d) % of VSLBE/LPG Participation 12.40%

3. Did the contractor meet the L/SLBE Trucking requirement? YES

a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? NO

(if yes, list the percentage received) 0%

5. Additional Comments.

Bid item # 7 is considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Proposed VSLBE/LPG participation is valued at 6.20%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 7/3/2012
Date

Reviewing Officer: Vivian Inman Date: 7/3/2012

Approved By: Shelley Darensburg Date: 7/3/2012

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

Project No.:	C312410	Engineers Est		$3,448,920.00			Under/Over Engineers Estimate:			-$100,449.00				
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	**VSLBE/LPG	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only Ethn.	MBE	WBE
Prime	Valentine Corporation	San Rafeal	UB							1,720,163	1,720,163	C		
Trucking	Monroe Trucking	Oakland	CB			142,310	142,310	142,310	142,310	142,310	142,310	AA	142,310	
Project Signs	Arrow Sign Company	Oakland	CB		900		900			900	000	C		
Supply Clay Piping	Mission Clay	Oaklano	CB	40,073			40,073			40,073	40,073	C		
Supply Asphalt	Callager & Burk	Oakland	CB			73,040	73,040			73,040	73,040	C		
Supply Aggregate &PCC	Cemex	Oakland	CB	75,383			75,363			75,383	75,383	C		
Supply Pipe Mat.	Pace Supply	Oakland	CB	26,300			26,300			26,300	26,300	C		
Crew Truck	East Bay Ford Truck Sales	Oakland	UB							27,000	27,000	C		
Traffic Control Supplies	Global Environmental	Oakland	ua							6,000	6,000	C		
Pipe	Mosto Construction	Oakland	CB		1,250,000		1,250,000			1,250,000	1,250,000	H	1,250,000	
Saw Cutting	Bayline Cutting & Coring	Berkeley	UB							12,000	12,000	H	12,000	
CIPP Work	Insituform	Antelope	UB								76,012	C		
By Pass Pump Rental	Rain For Rent	Oakley	UB							10,250	10,250	NL		
Precast MH supply	Kristar	Santa Rosa	UB							50,000	50,000	NL		
TVInspection & Clean	Roy's Sewer Service	Cotati	UB							39,938	39,935	NL		
Project Totals				$141,756	$1,250,900	$215,350	$1,608,006	$142,310	$142,310	$3,473,357	$3,549,369		$1,404,310.00	$0
				4.08%	36.01%	6.20%	46.30%	100%	100%	100%	100%		40.43%	0.00%

Requirements:

The 50% requirment is a combination of 15% LSE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.

LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/ VSLBE/LPG**	50% LBE/SLBE TRUCKING

Ethnicity

AA = Afrian American
M = Asian Indian
AP = Asim Pralic
C = Caucadan
H = Hispanic
NA = Native American
O = Other
NL = Not Listed
MO = Multiple Ownership

Legend

LBE = Local Business Enterprise
SLBE = Small Local Business Enterprise
VSLBE = Very Small Local Business Enterprise
LPG = Locally Produced Goods
Total LBE/SLBE = All Certified Local and Small Local Businesses
NPLBE = NonProfit Local Business Enterprise
NPSLBE = NonProfit Small Local Business Enterprise
UB = Uncertified Business
CB = Certified Business
MBE = Minority Business Enterprise
WBE = Women Business Enterprise

* Tho above project contains specialty work. The Non-Specialty Work Bid Dollars wara used for the purposes of detennining compliance with mininum 50% L/SLBE participation requiremenL

**Proposed VSLBE/LPG particlation is valued at 6.20%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement Double counted percentage ia reflected on the evaluation and cover memo.

CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C312410

PROJECT NAME: Rebid-Rehabhilitation of Sanitary Sawers Bounded by MacArthur Boulevand, Coolidge Avenue, Collidge Terrace and Laguna Avenue

CONTRACTOR: J. Howard Engineering, Inc.

Englnaar's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$3,448,920.00	$3,633,445.00	$103,290.00	-$184,S26.00

Discountgd Bid Amount:	Amount of Bid Discount	Non-Specialty Bid Amt	Disoount Points:
$3,456,938.25	$176,506.75	$3,530,135.00	5%

1. Did the 50% requirements apply? YES

2. Did the contractor meet the 50% requirement? YES

   b) % of LBE participation 0.64%
   c) % of SLBE participation 92.52%
   d) % of VSLBE/LPG Participation 0.00%

3. Did the contractor meet the L/SLBE Trucking requirement? YES

   a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

   (If yes, list the percentage received) 6%

5. Additional Comments.

Bid item #7 is considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 7/3/2012 Date

Reviewing Officer: _____ Date: 7/3/2012

Approved By: Shelley Darensburg Date: 7/3/2012

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

Project No.: C312410		Engineers Est:		$3,448,920.00			Under/Over Engineers Estimate:				-$184,525.00			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	**VSLBE/LPG	Total LBe/SLBe	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only Ethn.	MBE	WBE
PRIME	J. Howard Engineering, Inc.	Oakland	CB		3,245,135		3,245,135			3,245,135	3,245,125	C		
Trucking	Williams Trucking	Oakland	CB		12,000		12,000	12,000	12,000	12,000	12,000	AA	12,000	
CIPP	Christian Bros. Living Co.	Aquo Dulce	UB								103,320	C		
HOPE Pipe	P & F Distmbutors	Brisbane	UB							230,000	230,000	C		
Manhole Materials	U.S. Concrete	Livermore	UB							15,000	15,000	C		
Pipe Couplings	Mission Clay	Oakland	CB	13,000			13,000			13,000	13,000	C		
Readymix Concrete	Right Away	Oakland	CB	6,000			6,000			6,000	6,000	C		
Recycle MaL	Inner City	Oakland	CB		9,000		9,000			9,000	9,000	C		
Project Totals				$19,000	$3,266,135	$0	$3,285,135	$12,000	$12,000	$3,530,135	$3,633,445		512,000.00	$0.00
				0.64%	92.52%	0.00%	93.06%	100%	100%	100%	100%		0.33%	0.00%

Requirements:
The 50% requirment is a combination of 25% LBE and 25% SLBE panicipation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.

LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE/ VSLBE/LPG | 50% LBE/SLBE TRUCKING

Legend

LBE = Local Business Enterprise
SLBE = Small Local Business Enterprise
VSLBE = Very Small Local Business Enterprise
LPG = Locally Produced Goods
Total LBE/SLBE = All Certified Local and Small Local Businesses
NPLBE = NonProfit Local Business Enterprise
NPSLBE = NonProfit Small Local Business Enterprise

UB = Uncertified Business
CB = Certified Business
MBE = Minority Business Enterprise
WBE = Women Business Enterprise

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

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C312410

PROJECT NAME: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Colllidge Terrace and Laguna Avenue

CONTRACTOR: Pacific Trenchless, inc.

Engineer's Estimate:	Contractors' Original Bid Amount	Specialty Dollar Amount	Over/Under Engineer's Estimate
$3,448,920.00	$3,857,359.00	$56,340.00	-$408,439.00
Discounted Bid Amount:	**Amount of Bid Discount**	**Non-Spacialty Bid Amt.**	**Discount Points:**
$3,667,308.05	$190,050.95	$3,801,019.00	5%

1. Did the 50% requirements apply? YES

2. Did the contractor meet the 50% requirement? YES

   b) % of LBE participation 0.79%
   c) % of SLBE participation 91.62%
   d) % of VSLBE/LPG Participation 1.06%

3. Did the contractor meet the L/SLBE Trucking requirement? YES

   a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

   (If yes, list the percentage received) 5%

5. Additional Comments.

Bid item # 7 is considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. * *Proposed VSLBE/LPG participation is valued at 0.53%, however per the L/SLBE Program a VSLBE/LPG participation is double counted towards meeting the reouirement. Double counted percentage is reflected on the evaluation form and cover memo.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 7/3/2012
Date

Reviewing Officer: Vivian Inman Date: 7/3/2012

Approved By: Shelley Darensburg Date: 7/3/2012

BIDDER 4

Project Name: Rebid-Rehabhilitation of Sanitary Sewers Bounded by MacArthur Boulevard, Coolidge Avenue, Collidge Terrace and Laguna Avenue

	C312410	Engineers Est:	$3,448,920.00				Under/Over Engineers Estimate:				-$408,439.00			
Discipline	Prime & Subs	Location	CorL Status	LBE	SLBE	**VSLBE/LPG	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	For Tracking Only Ethn.	MBE	WBE
PRIME	Pacific Trenchless, Inc.	Oakland	CB		3,277,542		3,277,542			3,277,542	3,257,870	C		
Trucking	Williams Trucking	Oakland	CB		25,000		25,000	25,000	25,000	25,000	25,000	AA	25,000	
CIPP Lining	InsituForm Tech.	Antelope	UB								76,012	C		
Grind & Pave	AJW Construction	Oakland	CB		180,000		180,000			180,000	180,000	H	180,000	
Tmcking	Sudden Sams Trucking	Oakland	CB			20,000	20,000	20,000	20,000	20,000	20,000	AA	20,000	
HOPE Pipe	P&F Distributors	Brisbane	UB							220,477	220,477	C		
Manhole Mats	US Concrete Inc.	Livermore	UB							20,000	20,000	C		
Pipe Couplings	Mission Clay Products	Oakland	CB	30,000			30,000			30,000	30,000	C		
Manhole Lining	Contech of California	Stockton	UB							28,000	28,000	C		
Project Totals				$30,000	$3,482,542	$20,000.00	$3,532,542	$45,000	$45,000	$3,801,019	$3,857,359		$225,000	$0
				0.79%	91.62%	0.53%	92.94%	100%	100%	100%	100%		5.92%	0.00%

Requirements:
The 50% requirment is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the

LBE 25% | SLBE 25% | VSLBE/LPG | TOTAL LBE/SLBE/ VSLBE/LPG | 50% LBE/SLBE TRUCKING

Ethnicl
AA = African Amerkan
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NPSLBE = NonProfit Small Local Business Enterprise
UB = Uncertified Business
CB = Certified Business
MBE = Minority Business Enterprise
WBE = Women Business Enterprise

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with mininum 50% L/SLBE particlpation requirement

* *Proposed VSLBE/LPG particiation is valued at 0.53%, however per the L/SLBE Program a VSLBE/LPG participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

Attachment D

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

Project Number/Title: C227310-Rehabiiitation of Sanitary Sewers in the area bounded by Midvale Ave., I-580 FWY, Laurel Ave., and Carlsen St.

Work Order Number (if applicable): _____

Contractor: Andes Construction

Date of Notice to Proceed: 9/14/2009

Date of Notice of Completion: 11/24/2010

Date of Notice of Final Completion: 11/24/2010

Contract Amount: $2,205,357.00

Evaluator Name and Title: David Ng, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation arid 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 performanee of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

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

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

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfaotory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	☐	☐	X	☐	☐
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.	☐	☐	X	☐	☐
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.	☐	☐	X	☐	☐
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documeniation.			Yes ☐	No ☐	N/A ☐
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☐	☐	☐
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.	☐	☐	X	☐	☐
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes ☐	No X
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.	☐	☐	X	☐	☐
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.	☐	☐	X	☐	☐
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 ☐	1 ☐	2 X	3 ☐	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	☐	☐	X	☐	☐
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes ☐	No X	N/A ☐
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.	☐	☐	☐	☐	☐
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.	☐	☐	X	☐	☐
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.	☐	☐	X	☐	☐
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes ☐	No X
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 ☐	1 ☐	2 X	3 ☐	

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).	☐	☐	X	☐	☐
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 ☐	No X
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).	☐	☐	X	☐	☐
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes ☐	No X
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 ☐	1 ☐	2 X	3 ☐	

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.	☐	☐	X	☐	☐
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.	☐	☐	X	☐	☐
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	X	☐	☐
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	X	☐	☐
20d	Were there any billing dispuies? If "Yes", explain on the attachment.				Yes ☐	No X
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes ☐	No X
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 ☐	1 ☐	2 X	3 ☐	

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 X	No ☐
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	X	☐	☐
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes ☐	No X
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes ☐	No X
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 ☐	No X
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 ☐	1 ☐	2 X	3 ☐	

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 ____2____ X 0.25 = ____0.50____
2. Enter Overall score from Question 13 ____2____ X 0.25 = ____0.50____
3. Enter Overall score from Question 18 ____2____ X 0.20 = ____0.4____
4. Enter Overall score from Question 22 ____2____ X 0.15 = ____0.30____
5. Enter Overall score from Question 28 ____2____ X 0.15 = ____0.3____

TOTAL SCORE (Sum of 1 through 5): ____2.0____

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 dale 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 phor 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

1/10/2011
Resident Engineer / Date

01/12/10
Supervising Civil Engineer / Date

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,

Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 SEP 13 PM 3:12

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

RESOLUTION:

AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MACARTHUR BOULEVARD, COOLIDGE AVENUE, COOLIDGE TERRACE AND LAGUNA AVENUE (SUB-BASIN 80-113 - PROJECT NO. C312410) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($2,975,000.00)

WHEREAS, on June 21, 2012, four bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers In The Area Bounded By MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410); and

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

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C312410; $2,975,000.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

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

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

WHEREAS, Andes Construction, Inc. complies with all LBE/SLBE and trucking requirements; and

4

PUBLIC WORKS CMTE.

SEP 25 2012

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

FURTHER RESOLVED: That the City Administrator is authorized to award a construction contract for the Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410) to Andes Construction, Inc., the lowest responsive and responsible bidder, in an amount not-to-exceed Two Million Nine Hundred Seventy-five Thousand dollars ($2,975,000.00) in accord with plans and specifications for the Project and contractor's bid dated June 21, 2012; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of Public Works for this project, as authorized by City Ordinance no.13039, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract with Andes Construction, Inc. within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

4

PUBLIC WORKS CMTE.

SEP 25 2012

ATTEST: _____

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