

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 MAY -1 PM 3:46

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 13, 2008

RE: **Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon Street, 12<sup>th</sup> Street, And Alice Street – Subbasin 64-01 (Project No. C267110) For The Amount Of Three Million One Hundred Seven Thousand One Hundred Forty-Two Dollars (\$3,107,142.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$3,107,142.00 to Andes Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street (Project No. C267110). 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 Districts 2 and 3 and is shown on the location map 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 \$3,107,142.00. Funding for this project is available in the sewer service fund (3100); capital project sanitary sewer design organization (92244); sewers account (57417); rehabilitation of sanitary sewers in the area bounded by Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street (Project No. C267110). These funds were specifically allocated for this project.

### BACKGROUND

On March 3, 2008 the City Clerk received two bids for this project in the amounts of \$3,107,142.00 and \$3,528,088.00, as shown in *Attachment B*. The lowest bidder, Andes Construction, Inc. is deemed responsive and responsible and therefore is recommended for the award. The Engineer's estimate for the work is \$2,980,470.00.

Item: \_\_\_\_\_  
Public Works Committee  
May 13, 2008

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 26,417 lineal feet of existing 8" to 30" diameter sanitary sewer 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 \$3,107,142.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$20,000.00 (100%) for trucking exceeding the City's 20% Local Trucking requirement. The contractor received 5% credit for LBE/SLBE preference, or \$84,883.00. 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 Division of Social Equity of the Department of Contracting and Purchasing and is shown in *Attachment C*.

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

#### **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin in June 2008 and should be completed by February 2009. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 180 working days is exceeded. The project schedule is shown in *Attachment B*.

#### **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.


## 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 \$3,107,142.00 for the rehabilitation of sanitary sewers in the area bounded by Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street (Project No. C267110). 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,



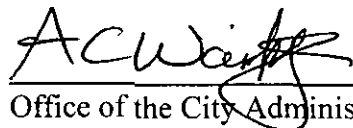
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Dan Lindheim, Director  
Community & Economic Development Agency

Reviewed by:  
Michael Neary, P.E.  
Deputy Director  
Community & Economic Development Agency

Prepared by:  
Marcel Uzegbu, P.E.  
Supervising Civil Engineer  
Engineering Design Services Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



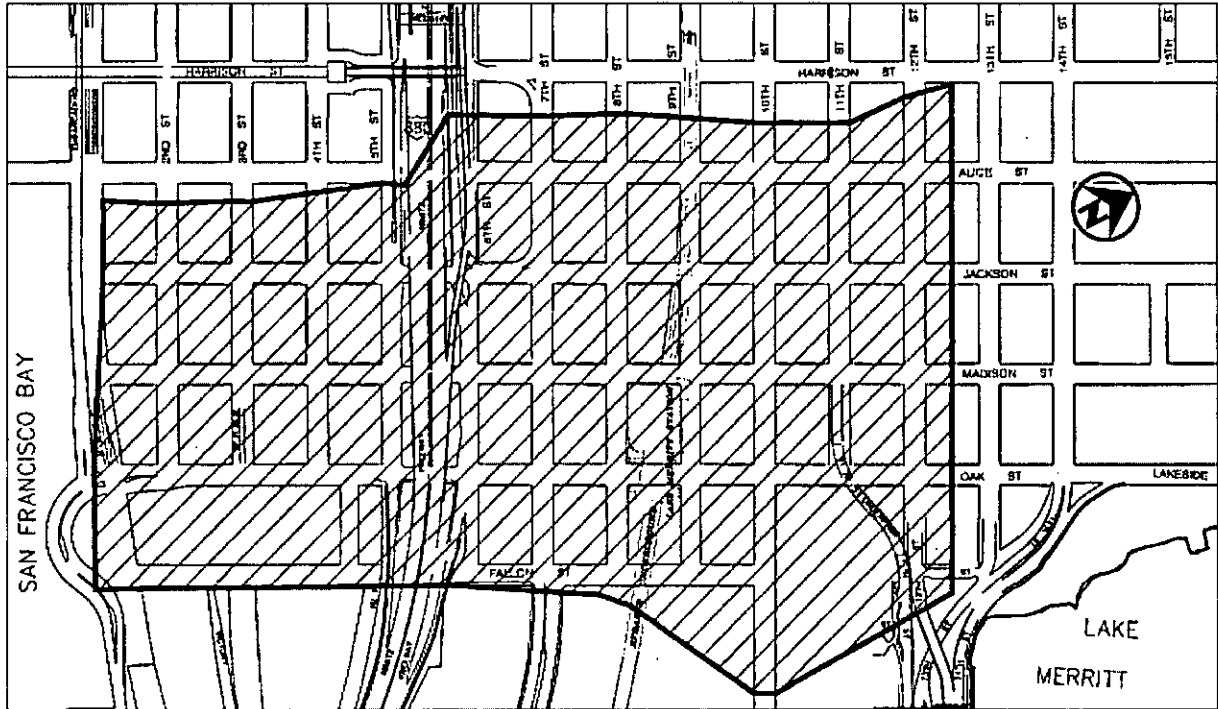
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Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
May 13, 2008

*Attachment A*

REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY  
EMBARCADERO, FALLON ST, 12TH ST AND ALICE ST.  
(SUB-BASIN NO. 64-01)  
CITY PROJECT NO. C267110



LOCATION MAP

NOT TO SCALE

 PROJECT BOUNDARY

**Attachment B**

**Rehabilitation of Sanitary Sewers in the Area Bounded by  
Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street  
(Project No. C267110)**

**List of Bidders**

<b>Company</b>	<b>Proposed Participation</b>	<b>Location</b>	<b>Bid Amount</b>
Andes Construction, Inc.	SLBE	Oakland	\$3,107,142.00
D'Arcy & Harty Construction	SLBE	San Francisco	\$3,528,088.00

**Project Schedule**

II	Task Name	Start	Finish	2007				2008				2009			
				Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	
1	Project No. C267110	Mon 11/6/06	Fri 2/20/09												
2	Pre-Design	Mon 11/6/06	Fri 3/30/07												
3	Design	Mon 4/2/07	Fri 2/29/08												
4	Bid/Award	Mon 3/3/08	Tue 5/13/08												
5	Construction	Mon 6/16/08	Fri 2/20/09												

# 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 *D. Dorenburg for*  
 Shelly Dorenburg - Sr. Contract Compliance Officer  
**CC:** Gwen McCormick - Contract Administrator Supervisor  
**Date:** April 21, 2008  
**Re:** C267110-Rebid-The Rehabilitation of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon St., 12<sup>th</sup> St., and Alice St., (Subbasin 64-01)

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains Cured-in Place Pipe (CIPP) specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 20% L/SLBE requirement.

The spreadsheet below is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the non-specialty work (column C) and then subtracting that difference from the original bid amount (column A).

Responsive				Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
	A	B	C					D	E	F		
Andes Construction, Inc.	\$3,107,142	\$1,409,487	\$1,697,655	100%	0%	100%	100%	100%	5%	\$3,022,259.25	2%	Y
D'Arcy & Harty Construction, Inc.	\$3,528,088	\$1,169,916	\$2,358,172	20.35%	0%	20.35%	100%	20.35%	2%	\$3,480,924.56	0%	Y

**Comments:** As noted above, Andes Construction, Inc. and D'Arcy & Harty Construction, Inc., exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

**For Informational Purposes:**

**50% Local Employment Program(LEP)/15% Oakland Apprenticeship Program**

The numbers listed below show total project hours; LEP hiring goal; actual resident employment; actual Oakland apprentice work hours; the 15% Apprenticeship utilization goal; and difference between the 15% Apprenticeship utilization goal and actual hours worked by Oakland apprentices.

Company Name	Total Hours	Resident Hours	LEP Goal Hours	Oakland Apprentice Hours	15% Apprentice Utilization Goal	15% Apprentice Shortfall
Andes Construction, Inc.	8,949	8,583	4,474.50	865	660.19	0
	100%	95.91%	50%	9.67%	7.50%	0%

**Comments:** Andes Construction, Inc. met the Local Employment Program 50% resident hiring goal with 95.91% resident employment and exceeded the 15% Apprenticeship Program utilization goal (adjusted for core employee utilization) with 9.67% Oakland apprentice employment on Project No. C158310-The Rehabilitation of Sanitary Sewers in the Area Bounded By Vallejo St., 67th St., San Pablo Ave., Market St., and 59th St.

Should you have any questions you may contact Sophany Hang at (510)238-3970.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C267110

PROJECT NAME: The Rehabilitation of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon St., 12th St., and Alice St., (Subbasin 64-01)

CONTRACTOR: Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,980,470.00	\$3,107,142.00	\$1,409,487.00	-\$126,672.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$3,022,259.25	\$84,882.75	\$1,697,655.00	5%

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0%
  - c) % of SLBE participation 100%
3. Did the contractor meet the Trucking requirement? YES
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%
5. Additional Comments:

For this project, bid item(s) 11,12,13,14,15, and 28 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.

4/16/2008

Date

Reviewing Officer:

[Signature]

Date:

4/16/08

Approved By:

[Signature]

Date:

4/16/08



## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: The Rehabilitation of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon St., 12th St., and Alice St., (Subbasin 64-01)

Project No.: C267110		Engineers Est: 2,980,470				Under/Over Engineers Estimate: -126,672					For Tracking Only		
Discipline	Prime & Subs	Location	Cont. Status	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount Dollars	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking					
PRIME	Ande's Construction, Inc.	Oakland	CB		1,667,655	1,667,655			1,667,655	3,077,142	H	3,077,142	
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB		10,000	10,000			10,000	10,000	H	10,000	
Trucking	Irvin Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	10,000	AA	10,000	
Trucking	S & S Trucking	Oakland	CB		10,000	10,000	10,000	10,000	10,000	10,000	H	10,000	
<b>Project Totals</b>				\$0	\$1,697,655	\$1,697,655	\$20,000	\$20,000	\$1,697,655	\$3,107,142		\$3,107,142	\$0
				0%	100%	100%	100%	100%	100%	100%		100%	0%
<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.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<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 = Woman 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.:** C267110

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon St., 12th St., and Alice St., (Subbasin 64-01)

**CONTRACTOR:** D'Arcy & Harty Construction, Inc.

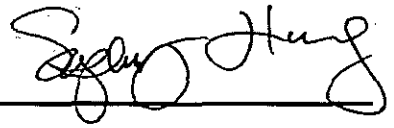
<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,980,470.00	\$3,528,088.00	\$1,169,916.00	-\$547,618.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$3,480,924.56	\$47,163.44	\$2,358,172.00	2%

- 1. Did the 20% requirements apply? YES
- 2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0%
  - c) % of SLBE participation 20.35%
- 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) 2%

5. Additional Comments.

For this project, bid item(s) 11, 12, 13, 14, 15, and 28 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

Reviewing Officer:  Date: 4/16/08  
Approved By: Shelley Darenberg Date: 4/16/08

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: The Rehabilitation of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon St., 12th St., and Alice St., (Subbasin 64-01)

Project No.:	C267110		Engineers Est: 2,980,470				Under/Over Engineers Estimate: -547,618					For Tracking Only		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				
			Status			LBE/SLBE	Trucking	Trucking	Dollars	Dollars	Ethn.	MBE	WBE	
PRIME	D'Arcy & Harty Construction, Inc.	San Francisco	UB						930,372	2,100,288	C			
Restoration Backfill	AJW Construction	Oakland	CB		270,000	270,000			270,000	270,000	H	270,000		
Saw-Cutting	Owens Concrete Saw & Co., Inc.	Oakland	CB		40,000	40,000			40,000	40,000	C			
Trucking	Sudden Sams Trucking	Oakland	CB		25,000	25,000	25,000	25,000	25,000	25,000	AA	25,000		
Trucking	Williams Trucking	Oakland	CB		55,000	55,000	55,000	55,000	55,000	55,000	AA	55,000		
Pipe Supply	General Supply Company	Oakland	CB		90,000	90,000			90,000	90,000	AA	90,000		
CIPP	Insituform Tech. Inc.	Benicia	UB						947,800	947,800	NL			
<b>Project Totals</b>					\$480,000	\$480,000	\$80,000	\$80,000	\$2,358,172	\$3,528,088		\$440,000	\$0	
					20.35%	20.35%	100%	100%	100%	100%		18.66%	0%	
<b>Requirements:</b>											<b>Ethnicity</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.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>					AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<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										

\* 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 EASTMENT 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.<sup>00</sup>

Evaluator Name and Title: JUD 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

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

Jim Gallo 1-10-08  
Resident Engineer / Date

Jim Murray 1-10-08  
Supervising Civil Engineer / Date

**OVERALL RATING:**

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

- |   |          |          |            |
|---|----------|----------|------------|
| 1. Enter Overall score from Question 7  | <u>2</u> | X 0.25 = | <u>.50</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>2</u> | X 0.15 = | <u>.30</u> |

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

- Outstanding: Greater than 2.5
- Satisfactory: Greater than 1.5 & less than or equal to 2.5
- Marginal: Between 1.0 & 1.5
- Unsatisfactory: Less than 1.0

**PROCEDURE:**

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

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.

THE PROJECT WAS COMPLETED ON TIME AND ON BUDGET WITH MINIMUM IMPACT TO THE CREEK AND THE PROPERTY OWNERS AND ENVIRONMENTAL SERVICES WERE HAPPY WITH THE WORK. (SEE ATTACHED EMAIL)

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**WORK PERFORMANCE**

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	



**TIMELINESS**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. #10	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**SAFETY**

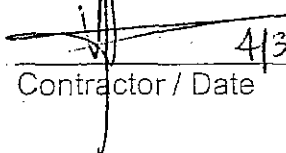
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes	No
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes	No
26	26. Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes	No
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
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	3	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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.*

 4/3/08  
Contractor / Date

 1-10-08  
Resident Engineer / Date

 1-10-08  
Supervising Civil Engineer / Date

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**

2008 MAY -1 PM 3:47

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

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

City Attorney

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY EMBARCADERO, FALLON STREET, 12<sup>TH</sup> STREET, AND ALICE STREET – SUBBASIN 64-01 (PROJECT NO. C267110) FOR THE AMOUNT OF THREE MILLION ONE HUNDRED SEVEN THOUSAND ONE HUNDRED FORTY-TWO DOLLARS (\$3,107,142.00)**

**WHEREAS**, on March 3, 2008, two 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 Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street – Subbasin 64-01 (Project No. C267110); and

**WHEREAS**, Andes Construction, Inc. bidding as a prime, is the 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); Sewer Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded By Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street – Subbasin 64-01 (Project No. C267110) 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 goals; 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 in the Area Bounded By Embarcadero, Fallon Street, 12<sup>th</sup> Street, and Alice Street – Subbasin 64-01 (Project No. C267110) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated March 3, 2008 for the amount of Three Million One Hundred Seven Thousand One Hundred Forty-Two Dollars (\$3,107,142.00); 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, \$3,107,142.00, and the amount for a bond to guarantee payment of all claims for labor materials furnished and for the amount due under the Unemployment Insurance Act, \$3,107,142.00, 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, \_\_\_\_\_, 2008

**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