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THE CITY CLERK  
OAKLAND

2012 APR 25 PM 4:53

# AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Vitaly B. Troyan, P.E.

**SUBJECT:** Award a Construction Contract for  
Rehabilitation of Sanitary Sewers

**DATE:** March 22, 2012

City Administrator  
Approval

Date

4-25-12

**COUNCIL DISTRICT:** 7

## 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 San Leandro Street, Edes Avenue and 85th Avenue (Sub-Basin 85-101 - Project No. C268310), In The Amount Of Three Million Five Hundred Seventeen Thousand Dollars (\$3,517,000.00)

## OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Andes Construction, Inc. in the amount of \$3,517,000.00. 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 7 as shown in *Attachment A*. Funding for this project is available in

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C268310; \$3,517,000.00.

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

## BACKGROUND/LEGISLATIVE HISTORY

On March 15, 2012, the City Clerk received four bids for this project in the amount of \$3,517,000.00, \$3,648,356.00, \$4,227,369.00, and \$4,446,007.00 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 \$4,143,790.00.

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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.

### ANALYSIS

Construction is scheduled to begin in July 2012 and should be completed by February 2013. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 200 working days. The project schedule is shown in *Attachment B*.

Under the proposed contract with Andes Construction, Inc., LBE/SLBE participation of \$3,052,00.00 (86.78%) exceeds the City's 50% LBE/SLBE requirement. The contractor shows \$25,000.00 (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 Foothill Square Merchants, the Joaquin Miller Heights Improvement Association, and the Webster Tract Neighbors Association in the project site area have been notified in writing.

### 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 Engineering and Construction
- Public Works Agency – Department of Infrastructure and Operations

### COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction, Inc. in the amount of \$3,517,000.00.

#### 1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

The Engineer's estimate for the work is \$4,143,790.00.  
The contractor bid price is \$3,517,000.00.

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2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$3,517,000.00
3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C268310	\$3,517,000.00

4. FISCAL IMPACT:

Approval of this resolution will authorize the City Administrator to award a construction contract to Andes Construction, Inc. in the amount of \$3,517,000.00. 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 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.

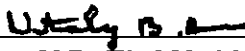
#### CEOA

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.

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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:

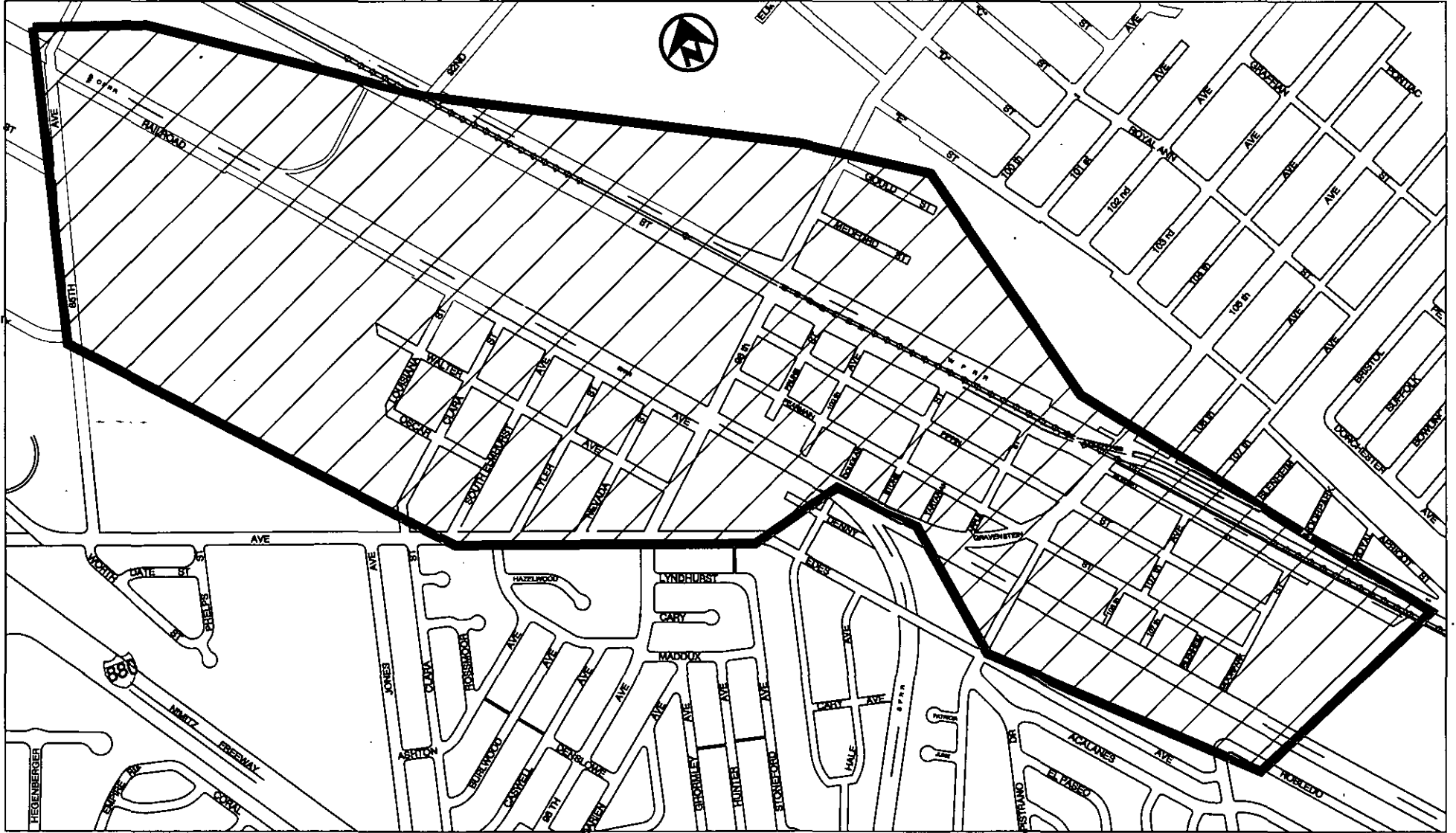
- Attachment A – Project Location Map
- Attachment B – List of Bidders and Project Construction Schedule
- Attachment C – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Performance Evaluation

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Attachment A

REHABILITATION OF SANITARY SEWERS IN THE AREA  
BOUNDED BY SAN LEANDRO BLVD, EDES AVE, AND 85TH AVE  
(SUBBASIN 85-101)

CITY PROJECT NO. C268310



**LOCATION MAP**

NOT TO SCALE

 PROJECT BOUNDARY



*Attachment C*

# Memo



City Administrator's Office  
Contracts and Compliance Unit

To: Gimawan Santoso, Civil Engineer  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Lusk Barnes, Director *Deborah Barnes*  
 CC: Shelley Darensbmg, Senior Contract Compliance Officer  
 Calvin Hao, Supervisor, PWA Contracts  
 Date: March 20, 2012  
 Re: C268310 – Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85<sup>th</sup> Avenue (sub-basin 85-101)

The Office of the City Administrator, 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. This analysis includes two alternates.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Andes Construction	\$3,517,000.00	86.78%	1.93%	84.85%	100%	86.78%	5%	\$3,341,150.00	Y
Pacific Trenchless	\$3,648,356.00	72.36%	.060%	71.76%	100%	72.36%	4%	\$3,502,421.76	Y

**Comments:** As noted above, two (2) firms exceeded the minimum 50% L/SLBE participation requirement. Both firms are EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Valentine Corporation	\$3,939,361.00	37.78%	31.21%	6.57%	100%	0%	0%	NA	0%	N
D'Arcy & Harty	\$4,449,007.00	32.25%	0.67%	31.58%	100%	0%	0%	NA	0%	Y

**Comments:** As noted, the above firms failed to meet the minimum 50% L/SLBE participation requirement. Valentine Corporation had a 18.43% SLBE shortfall and D'Arcy & Hardy had an 24.33% L/SLBE shortfall. Valentine Corporation is not EBO compliant, they will have to come into compliance prior to contract award. D'Arcy and Harty are EBO compliant.





**For Informational Purposes**

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

Contractor Name: Andes Construction  
 Project Name: Rehab of SS in the Area Bounded by Midvale Avenue, 1-580, Laurel and Carlsen and International  
 Project No: C227310  
 Date: February 23, 2011

**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	
1,6012	0	50%	8,006	100%	15,608	0	0	100%	2,402	15%	2,042	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 1,101 on site hours and 1,101 off-site hours.

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

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C268310**

**RE: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)**

**CONTRACTOR: Andes Construction**

<b><u>Engineer's Estimate:</u></b> \$4,143,790.00	<b><u>Contractors' Bid Amount</u></b> \$3,517,000.00	<b><u>Over/Under Engineer's Estimate</u></b> \$626,790.00
<b><u>Discounted Bid Amount:</u></b> \$3,341,150.00	<b><u>Amt. of Bid Discount</u></b> \$175,850.00	<b><u>Discount Points:</u></b> 5.00%
1. Did the 50% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 50% requirement		<b><u>YES</u></b>
a) % of LBE participation	<u>1.93%</u>	
b) % of SLBE participation	<u>84.85%</u>	
3. Did the contractor meet the Trucking requirement?		<b><u>YES</u></b>
a) Total L/SLBE Trucking Participation.	<u>100.00%</u>	
4. Did the contractor receive bid discount points?		<b><u>YES</u></b>
(If yes, list the points received)	<u>5.00%</u>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept		
	<u>3/20/2012</u>	

**Reviewing Officer:**

*Vivian Sham*

**Date:** 3/20/2012

**Approved By**

*Shelley Darenburg*

**Date:** 3/20/2012

## LBE/SLBE Participation Bidder 1

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)

Project No.: C268310		Engineer's Estimate 4,143,790				Under/Over Engineers Estimate: 626,790							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	Andes Construction	Oakland	CB		2,959,000.00	2,959,000.00			2,959,000.00	H	2,959,000.00		
Saw Cutting	Bayline	Oakland	UB						10,000.00	H	10,000.00		
Trucking	Foston Trucking	Oakland	CB		25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	AA	25,000.00		
Pipe HOPE	ISCO	Louisville, Ky	UB						100,000.00	C			
CIPP	Masterliner	Hammond, La	UB						100,000.00	C			
MH Precast	US Concrete	Livermore	UB						40,000.00	C			
Rehab Material	Con Tech	Stockton	UB						17,000.00	C			
Resin	Composite	W. Sacramento	UB						160,000.00	NL			
AB	Aman	Los Angeles	UB						22,000.00	NL			
AC	Gallaghtier & Burk	Oakland	CB	40,000.00		40,000.00			40,000.00	C			
Drain Rock	Dutra Materials	San Rafael	UB						16,000.00	C			
Concrete	Right Away	Oakland	CB	28,000.00		28,000.00			28,000.00	C			
<b>Project Totals</b>				\$68,000.00	\$2,984,000.00	\$3,052,000.00	\$25,000.00	\$25,000.00	\$3,517,000.00		\$2,994,000.00	\$0.00	
				1.93%	84.85%	86.78%	100.00%	100.00%	100.00%		85.13%	0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 26%	SLBE 25%	TOTAL L/SLBE	50% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprises		SLBE = Small Local Business Enterprises		Total LBESLBE = 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			



**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C268310**

**RE: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)**

**CONTRACTOR: Pacific Trenchless**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,143,790.00	\$3,648,356.00	\$495,434.00
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$3,502,421.76	\$145,934.24	4.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>0.60%</u>	
b) % of SLBE participation	<u>71.76%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE Trucking Participation	<u>100.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>4.00%</u>	
5. Additional Comments.		

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

3/20/2012

Date

Reviewing Officer:

*[Signature]*

Date: 3/20/2012

Approved By

*Shelley Dorensburg*

Date: 3/20/2012

## LBE/SLBE Participation Bidder 2

Project Name: **Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)**

Project No.: C268310		Engineer's Estimate: 4,143,790				Under/Over Engineers Estimate: 495,434						
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Trucking CIPP Uning	Padfic Trenchless	Oakland	CB		2,597,095.00	2,597,095.00			2,597,085.00	C		
	Williams Trucking	Oakland	CB		21,000.00	21,000.00	21,000.00	21,000.00	21,000.00	AA	21,000.00	
	Instituform Technologies	Fullerton	UB						781,271.00	C		
HOPE Pipe Manhole Materials	P&F Distributors	Brisbane	UB						212,000.00	C		
	US Concrete, Inc	Livermore	UB						15,000.00	C		
Pipe Couplings	Mission Clay	Oakland	CB	22,000.00		22,000.00			22,000.00	C		
<b>Project Totals</b>				\$22,000.00	\$2,618,095.00	\$2,640,095.00	\$21,000.00	\$21,000.00	\$3,648,356.00		21,000.00	0.00
				0.60%	71.76%	72.36%	100.00%	100.00%	100.00%		0.58%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL L/SLBE	50% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBSSLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			US = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							



**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C268310**

**RE: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)**

**CONTRACTOR: Valentine Corporation**

<b><u>Engineer's Estimate:</u></b> \$4,143,790.00	<b><u>Contractors' Bid Amount</u></b> \$3,939,361.00	<b><u>Over/Under Engineer's Estimate</u></b> \$204,429.00
<b><u>Discounted Bid Amount:</u></b> \$0.00	<b><u>Amt. of Bid Discount</u></b> \$0.00	<b><u>Discount Points:</u></b> 0.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **NO**

a) % of LBE participation **31.21%**

b) % of SLBE participation **6.57%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE Trucking Participation **100.00%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0.00%**

5. Additional Comments.  
Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed non-responsive.

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

3/20/2012

Date

**Reviewing Officer:**

*Vivian D.*

**Date:** 3/20/2012

**Approved By**

*Shelley Darenburg*

**Date:** 3/20/2012

## LBE/SLBE Participation Bidder 3

Project Name: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)

Project No.: C268310		Engineer's Estimate 4,143,790				Under/Over Engineers Estimate: 204,429						
Discipline	Prime & Subs	Location	CerL Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Valentine Corporation	San Rafael	UB						1,454,706.00	C		
TV Insp.	Roxs Sewer Service	Cotati	UB						100,818.00	NI		
CIPP	Institutonn	Fullerton	UB						845,200.00	NL		
TV Insp.	Plumbing Ministry	Oakland	CB		61,000.00	61,000.00			61,000.00	AA	61,000.00	
Saw Cutting	Bay Line	Berkeley	UB						12,000.00	H	12,000.00	
Trucking	All City Trucking	Oakland	CB		185,000.00	185,000.00	185,000.00	185,000.00	185,000.00	AA	185,000.00	
Materials	Mission Clay Co.	Oakland	CB	10,250.00		10,250.00			10,250.00	C		
Supplier	Pace Supply	Oakland	CB	704,992.00		704,992.00			704,992.00	C		
Concrete Pumping	Cal-Con	Oakland	CB		12,000.00	12,000.00			12,000.00	C		
Pavement Materials	Gloral Environmental	Oakland	UB						11,175.00	NL		
Supply Material	East Bay Ford Truck	Oakland	UB						27,000.00	NL		
Supplier	Meyer Plumbing Supply	Oakland	CB	198,250.00		198,250.00			198,250.00	NL		
Supply	Hertz Equipment Rental	Oakland	CB	223,800.00		223,800.00			223,800.00	C		
Supply	Cemex	Oakland	CB	92,320.00		92,320.00			92,320.00	C		
Supply Signs	Arrow Signs	Oakland	CB		850.00	850.00			850.00	C		
<b>Project Totals</b>				\$1,229,612.00	\$258,850.00	\$1,488,462.00	\$185,000.00	\$185,000.00	\$3,939,361.00		\$258,000.00	\$0.00
				31.21%	6.57%	37.78%	100.00%	100.00%	100.00%		6.55%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL L/SLBE	50% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<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						



**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C268310

RE: Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)

**CONTRACTOR:**

D'Arcy & Hartv

<u>Engineer's Estimate:</u> \$4,143,790.00	<u>Contractors' Bid Amount</u> \$4,449,007.00	<u>Over/Under Engineer's Estimate</u> (\$305,217.00)
<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> 30.00	<u>Discount Points:</u> 0.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **NO**

a) % of LBE participation 0.67%

b) % of SLBE participation 31.58%

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE Trucking Participation 100.00%

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) 0%

**5. Additional Comments.**

Firm failed to meet the minimum 50% L/SLBE requirement. Therefore, the firm is deemed non-responsive.

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

3/20/2012

Date

**Reviewing Officer:**

*Michael Ann*

**Date:** 3/20/2012

**Approved By**

*Shelley Darenburg*

**Date:** 3/20/2012



## LBE/SLBE Participation Bidder 4

Project Name: **Rehabilitation of Sanitary Sewers in the Area Bounded by San Leandro Street, Edes Avenue and 85th Avenue (Sub-basin 85-101)**

Project No.: C268310		Engineer's Estimate 4,143,790				Under/Over Engineers Estimate: 4,143,790						
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	D'Arcy & Harty	SF	UB						2,082,007.00	C		
Ready Mix	Central Concrete	Oakland	CB	15,000		15,000.00			15,000.00	C		
Manholes	US Concrete	Livermore	UB						12,000.00	NL		
Grout	AJW Construction	Oakland	CB		175,000.00	175,000.00			175,000.00	H	175,000.00	
Pipe s Manholes	Mosto Construction	Oakland	CB		1,200,000.00	1,200,000.00			1,200,000.00	C		
Trmcking	Morvoe Trucking	Oakland	CB		30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	AA	30,000.00	
PE Pipe	P&F Dist	Brisbane	UB						80,000.00	NL		
Pipe Coupling	Mission Clay	Oakland	CB	15,000.00		15,000.00			15,000.00	C		
CIPP	Insituform	Fullerton	UB						840,000.00			
<b>Project Totals</b>				\$30,000.00	\$1,405,000.00	\$1,435,000.00	\$30,000.00	\$30,000.00	\$4,449,007.00		\$205,000	\$0.00
				0.67%	31.58%	32.25%	100.00%	100.00%	100.00%		4.61%	0.00%
<b>Requirements:</b> The 50% requirements is a combinatkm of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements.				LBE 25%	SLBE 25%	TOTAL L/SLBE	50% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<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		WSE = Women Business Enterprise						
				NPSLBE = NonProfit Small Local Business Enterprise								

*Attachment D*

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

Project Number/Title: C227310-Rehabilitation 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 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 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	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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)? 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 checked="" 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 #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**FINANCIAL**

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

**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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes X	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No X
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No 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 <input type="checkbox"/>	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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 X	3 <input type="checkbox"/>	



**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.

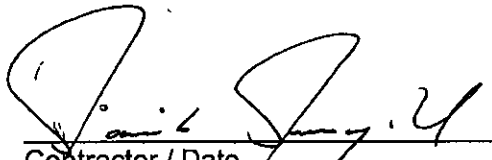
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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 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

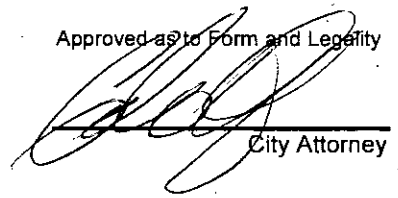
 1/10/2011  
Resident Engineer / Date

  
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.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney

**OAKLAND CITY COUNCIL**

2012 APR 25 PM 4:44

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

**RESOLUTION:**

**AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY SAN LEANDRO STREET, EDES AVENUE AND 85TH AVENUE (SUB-BASIN 85-101 - PROJECT NO. C268310) TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR AN AMOUNT NOT-TO-EXCEED TWO MILLION FIVE HUNDRED SEVENTEEN THOUSAND DOLLARS (\$3,517,000.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID**

**WHEREAS**, on March 15, 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 San Leandro Street, Edes Avenue and 85th Avenue (Sub-Basin 85-101 - Project No. C268310); 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. C268310; \$3,517,000.00; 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

**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 San Leandro Street, Edes Avenue and 85th Avenue (Sub-Basin 85-101 - Project No. C268310) to Andes Construction, Inc., the lowest responsive and responsible bidder, in an amount not-to-exceed Three Million Five Hundred Seventeen Thousand dollars (\$3,517,000.00) in accord with plans and specifications for the Project and contractor's bid dated March 15, 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; 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 -

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