CITY OF OAKLAND

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2018 MAY -9 PM 3:08

# AGENDA REPORT

**TO:** Sabrina B. Landreth
City Administrator

**FROM:** Jason Mitchell
Director, Public Works

**SUBJECT:** Rehabilitation of Sanitary Sewers

**DATE:** March 21, 2018

City Administrator Approval — Date: 4/25/18

## RECOMMENDATION

**Staff Recommends That The City Council Adopt The Following Two Construction Contract Award Resolutions:**

1. **Resolution Awarding A Construction Contract To Andes Construction Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Two Hundred Fifty-One Thousand Seven Hundred Forty-Two Dollars ($3,251,742.00); and**

2. **Resolution Awarding A Construction Contract To Andes Construction Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Phase III Sub-Basin 56-07 (Project No. 1001039) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Seven Hundred One Thousand Five Hundred Fifty-Five Dollars ($3,701,555.00).**

## EXECUTIVE SUMMARY

Approval of these resolutions will authorize the City Administrator or designee to execute two construction contracts with Andes Construction Inc. in the amounts of $3,251,742.00 and $3,701,555.00. The work to be completed under the two projects is part of the City's annual sanitary sewer rehabilitation program and is required under the 2014 Sewer Consent Decree. Funding for these projects is available in the Fiscal Year (FY) 2017-18 budget. The work is located in Council Districts 4 and 6 as shown in ***Attachment A1 and Attachment A2.***

## BACKGROUND / LEGISLATIVE HISTORY

The Environmental Protection Agency (EPA) mandates the reduction of sanitary sewer overflows during storm events. These projects are part of the City's annual sanitary sewer

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rehabilitation program intended to improve the pipe conditions and reduce wet weather peak flows in the sanitary sewer system, and are required under the 2014 Sewer Consent Decree.

1. *Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654)*: The proposed work under this contract consists of rehabilitating approximately 3,357 linear feet of existing 8-inch diameter sewer pipes, approximately 1,694 linear feet of existing 10-inch diameter sewer pipes, approximately 2,581 linear feet of existing 20-inch diameter sewer pipes, and approximately 1,125 linear feet of existing 24-inch diameter sewer pipes by pipe-expanding, open trench or CIPP method, rehabilitating sewer structures, reconnecting and rehabilitating house sewer connections, and other related work as indicated on the plans and specifications.

2. *Sanitary Sewer Rehabilitation Phase III Sub-Basin 56-07 (Project No. 1001039):* The proposed work under this contract consists of rehabilitating approximately 13,399 linear feet of existing 8-inch diameter sewer pipes and approximately 1,812 linear feet of existing 12" diameter sewer pipes by pipe-expanding, open trench or CIPP method, rehabilitating sewer structures, reconnecting and rehabilitating house sewer connections, and other related works as indicated on the plans and specifications.

## ANALYSIS AND POLICY ALTERNATIVES

Adoption of these resolutions will allow the City Administrator or designee to execute two construction contracts with Andes Construction, Inc. for sewer rehabilitation projects as follows:

1. *Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654)*: On November 9, 2017, the City Clerk received two bids for this project in the amount of $3,251,742.00 and $3,524,746.00 as shown in ***Attachment B.*** Andes Construction, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award. The project was bid originally on October 5, 2017 and two bids were received. Due to a clerical error, both bids were rejected and the project was subsequently rebid on November 9, 2017 with two responses. Under the proposed contract with Andes Construction, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 96.25 percent, which exceeds the City's 50 percent LBE/SLBE requirement. Trucking participation is 100 percent and exceeds the 50 percent requirement. The contractor is required to have 50 percent of the work hours performed by Oakland residents, and 50 percent 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 C1***. Contract amount: $3,251,742.00

   Construction is scheduled to begin in September 2018 and should be completed by February 2019. The contracts specify liquidated damages of $1,000 per calendar day. The project schedule is shown in ***Attachment B***.

The Engineer's estimate for the work is $2,984,045.00. Staff have reviewed the submitted bids for the work and determined that the bids are reasonable for the current construction market conditions.

2. *Sanitary Sewer Rehabilitation Phase III Sub-Basin 56-07 (Project No. 1001039):* On November 16, 2017, the City Clerk received two bids for this project in the amount of $3,701,555.00 and $3,779,094.00 as shown in ***Attachment B.*** Andes Construction, Inc. was deemed the lowest responsive and responsible bidder and is recommended for the award. Under the proposed contract with Andes Construction, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 94.19 percent, which exceeds the City's 50 percent LBE/SLBE requirement. Trucking participation is 100 percent and exceeds the 50 percent requirement. The contractor is required to have 50 percent of the work hours performed by Oakland residents, and 50 percent 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 C2***. Contract amount: $3,701,555.00

   Construction is scheduled to begin in October 2018 and should be completed by March 2019. The contracts specify liquidated damages of $1,000 per calendar day. The project schedule is shown in ***Attachment B***.

   The Engineer's estimate for the work is $3,197,220.00. Staff have reviewed the submitted bids for the work and determined that the bids are reasonable for the current construction market conditions.

## FISCAL IMPACT

Funding for these two projects are available in the Fiscal Year (FY) 2017-18 Budget in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Project No. 1000654 and 1001039. Funding for operations and maintenance is also budgeted and available in the Sewer Fund 3100.

## PUBLIC OUTREACH / INTEREST

The residents in the area have been notified in writing about these projects. Residents who are affected by the work will be notified individually of the work schedule, planned activities, and contact information of the Contractor and Resident Engineer/Inspector in charge, prior to starting the project.

## COORDINATION

The work to be done under these contracts were coordinated with Oakland Public Works (OPW) Bureau of Infrastructure and Operations, Bureau of Facilities and Environment, and Contracts and Compliance Division of the City Administrators office. In addition, the Office of the City Attorney and the Budget Bureau have reviewed this report and resolution.

## PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

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

## SUSTAINABLE OPPORTUNITIES

***Economic***: The contracts are 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 contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

***Environmental***: Replacing sanitary sewers will minimize sewer leakage and overflows, thus preventing potential harm to property, groundwater resources and the bay. 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 discharges and overflows, thereby, benefiting all Oakland residents with decreased sewer overflows and improved infrastructure.

## ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Two Construction Contract Award Resolutions:

1. A Construction Contract To Andes Construction, Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Two Hundred Fifty-One Thousand Seven Hundred Forty-Two Dollars ($3,251,742.00).

2. A Construction Contract To Andes Construction, Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Phase III Sub-Basin 56-07 (Project No. 1001039) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Seven Hundred One Thousand Five Hundred Fifty-Five Dollars ($3,701,555.00).

For questions regarding this report, please contact Jimmy Mach, Wastewater Engineering Management Division Manager at 510-238-3303.

Respectfully submitted,

JASON MITCHELL
Director, Oakland Public Works

Reviewed by:
Danny Lau, P.E., Assistant Director
Bureau of Design & Construction

Prepared by:
Jimmy Mach, P.E., Division Manager
Wastewater Engineering Management Division

*Attachments (4):*

*A1, A2: Project Location Maps*
*B: List of Bidders and Project Construction Schedule*
*C1, C2: Contracts & Compliance Unit Compliance Evaluation*
*D: Contractors Performance Evaluation*

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*Attachment A1*

# THE REHABILITATION OF SANITARY SEWER (SUB-BASIN 83-012)

CITY PROJECT NO. 1000654


**LOCATION MAP**

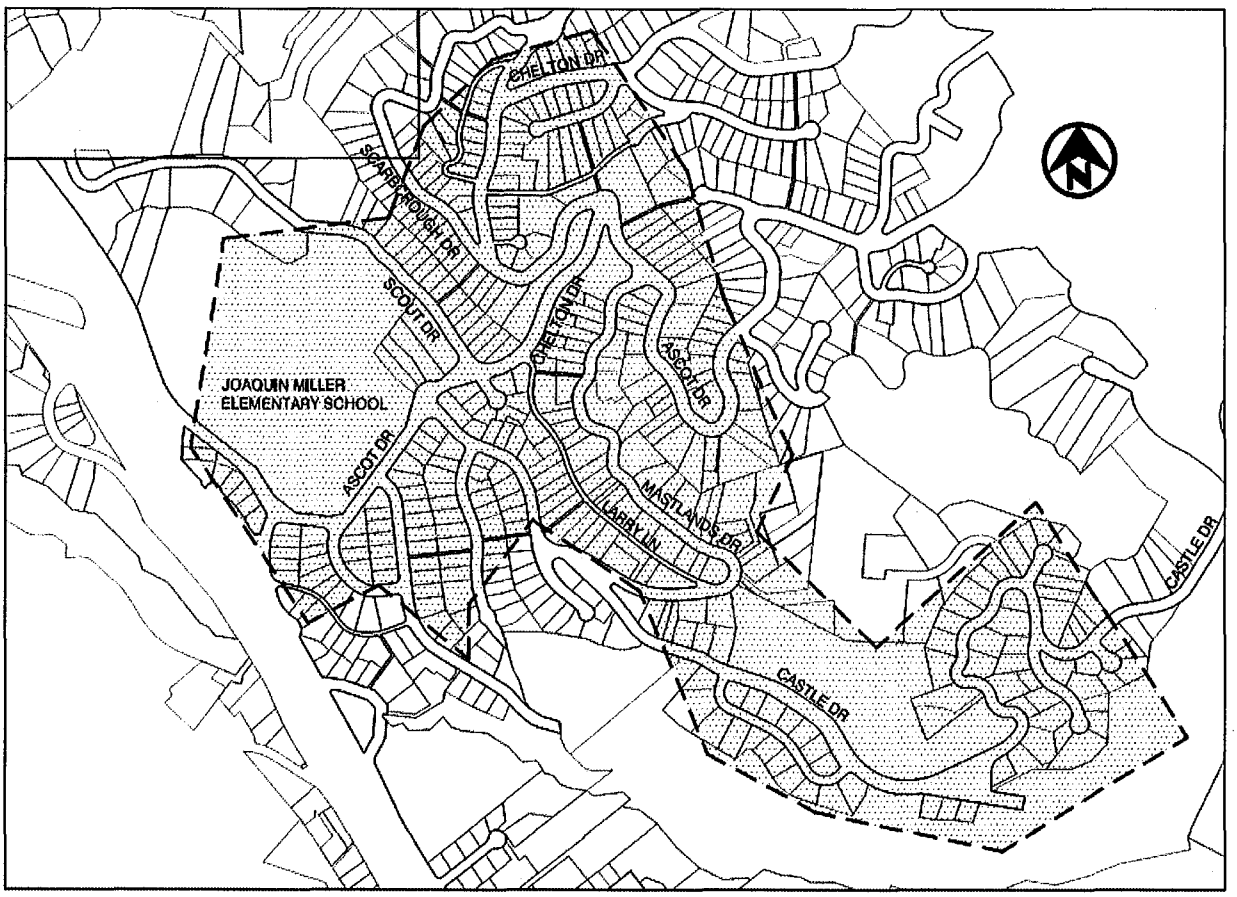
NOT TO SCALE

LIMIT OF WORK

*Attachment A2*

# THE REHABILITATION OF SANITARY SEWER (SUB-BASIN 56-07) PHASE III

## CITY PROJECT NO. 1001039




**LOCATION MAP**

NOT TO SCALE

LIMIT OF WORK

*Attachment B*

## List of Bidders

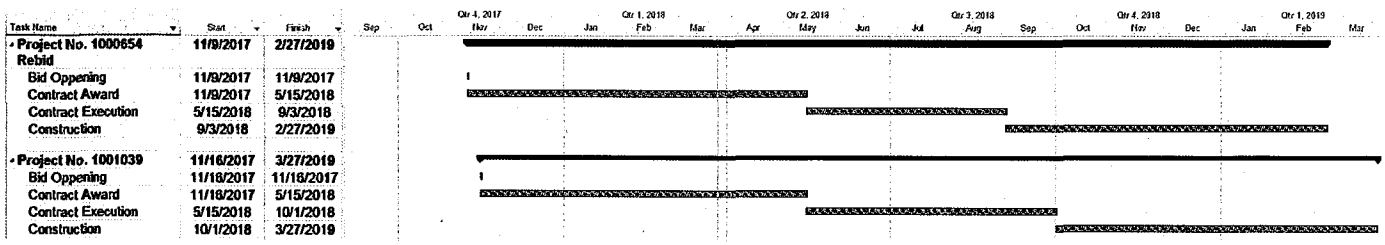
### 1000654 Rebid

| Company | Location | Bid Amount |
|---|---|---|
| **Engineer's Estimate** | - | $2,984,045.00 |
| Pacific Trenchless Inc. | Oakland, CA | $3,524,746.00 |
| Andes Construction Inc. | Oakland, CA | $3,251,742.00 |

### 1001039

| Company | Location | Bid Amount |
|---|---|---|
| **Engineer's Estimate** | - | $3,197,220.00 |
| Pacific Trenchless Inc. | Oakland, CA | $3,779,094.00 |
| Andes Construction Inc. | Oakland, CA | $3,701,555.00 |

## Project Construction Schedules



*Attachment C1*

CITY OF OAKLAND

# *INTER OFFICE MEMORANDUM*

**TO:** Jeff Roubos
Assistant Engineer II

**FROM:** Deborah Barnes, D. Barnesburg for
Director, Contracts &Compliance

**SUBJECT:** **Compliance Analysis**
**The Rehabilitation of Sanitary Sewers**
**In Sub-basin 83-012 (REBID)**
**Project No. 1000654**

**DATE:** December 1, 2017

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) 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 bidders' most recently completed City of Oakland project.

| **Responsive to L/SLBE and/or EBO Policies** | | | **Proposed Participation** | | | | **Earned Credits and Discounts** | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Company Name | Original Bid Amount | Total LBE/SLBE | LBE | SLBE | *VSLBE/LPG | L/SLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | EBO Compliant? Y/N |
| Andes Construction | $3,251,742 | 96.25% | 0% | 96% | .25% *.50% | 100% | 96.50% | 5% | $3,089,154.90 | Y |
| Pacific Trenchless | $3,254,746 | 91.30% | 0% | 90.79% | .51% *1.02% | 100% | 91.81% | 5% | $3,348,508.70 | Y |

**Comments:** As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant.

*Andes Construction's proposed VSLBE/LPG participation is valued at .25%, and for Pacific Trenchless the proposed VSLBE/LPG participation is valued at .51%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Andes Construction and Pacific Trenchless is .50% and 1.02% respectively.

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## 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 bidders most recently completed City of Oakland project.

**Contractor Name:** Andes Construction
**Project Name: Rehab of SS in the area Bounded by San Leandro, Edes and 85th (SB85-101).**
**Project No: C268310**

**Date: 8/16/2016**

**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? | No | If no, shortfall hours? | 1080 |
| Were shortfalls satisfied? | No | If no, penalty amount? | $10,817.91 |

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 | | |
| 9804 | 0 | 50% | 4952 | 100 | 4952 | 0 | 0 | 100 | 406 | 15% | 1486 | 1080 | |

**Comments: Andes Construction met the** Local Employment Program's 50% resident hiring goal and **did not meet** the 15% Oakland Apprenticeship Program goals . Whereby the 50% LEP requirement was satisfied by the lowest bidder, there was a shortfall under the 15% Apprenticeship. The 15% Apprenticeship penalty was $10,817.91 and has been forfeited by the contractor for failure to satisfy the shortfall amount within the period of one year.

Should you have any questions or concerns you may contact Vivian Inman, Contract Compliance Officer at (510) 238-6261.

# CITY ADMINISTRATOR'S OFFICE

## Contracts and Compliance Unit

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.** 1000654

**RE:** The Rehabiliation of Sanitary Sewers in Sub-Basin 83-012 (REBID)

**CONTRACTOR:** Andes Construction

| Engineer's Estimate: | Contractors' Bid Amount | Over/Under Engineer's Estimate |
|---|---|---|
| $2,984,045.00 | $3,251,742.00 | ($267,697.00) |

| Discounted Bid Amount: | Amt. of Bid Discount | Discount Points: |
|---|---|---|
| $3,089,154.90 | $162,587.10 | 5.00% |

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

2. Did the contractor meet the 50% requirement **YES**
   - a) % of LBE participation **0.00%**
   - b) % of SLBE participation **96.00%**
   - c) % of VSLBE participation **0.25%** (Double Counted value is .50%)

3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
   - a) Total L/SLBE trucking participation **0.00%**
   - a) Total VSLBE trucking participation **100.00%**

4. Did the contractor receive bid discount points? **YES**

   (If yes, list the points received) **5%**

5. Additional Comments.

**Proposed VSLBE/LPG participation is valued at .25%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is .50%.**

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

11/17/2017
Date

**Reviewing Officer:** Julia Bond **Date:** 11/17/2017

**Approved By:** Shelley Darensburg **Date:** 11/17/2017

# LBE/SLBE Participation
# Bidder 1

**Project Name:** The Rehabilitation of Sanitary Sewers in Sub-Basin 83-012 (REBID)

**Project No.:** 1000654 | **Engineer's Estimate** $2,984,045.00 | **Under/Over Engineers Estimate:** -$267,697

| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG | Total LBE/SLBE | L/S/VSLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PRIME | Andes Construction | Oakland | CB | | 3,106,742 | | 3,106,742 | | | 3,106,742 | H | 3,106,742 | |
| Saw Cutting | Bay Line Cutting & Coring | SF | UB | | | | | | | 5,000 | H | 5,000 | |
| Trucking | Monroe Trucking | Oakland | CB | | 15,000 | | 15,000 | 15,000 | 15,000 | 15,000 | AA | 15,000 | |
| MH Precast | Old Castle | Pleasanton | UB | | | | | | | 10,000 | C | | |
| AC | Gallagher & Burk | Oakland | CB | | | 8,000 | 8,000 | | | 8,000 | C | | |
| AB | Inner City Demolition | San Rafael | UB | | | | | | | 5,000 | C | | |
| Rock | Dutra | Oakland | UB | | | | | | | 8,000 | C | | |
| MH Rehab | Con-Tech | Stockton | UB | | | | | | | 10,000 | C | | |
| Felt | Master Liner | Hammond | UB | | | | | | | 14,000 | C | | |
| Resin | Composites | Sacramento | UB | | | | | | | 10,000 | C | | |
| HDPE | P&F Distributors | Brisbane | UB | | | | | | | 60,000 | C | | |
| **Project Totals** | | | | $0 | $3,121,742 | $8,000 | $3,129,742 | $15,000 | $15,000 | $3,251,742 | | $3,126,742 | $0 |
| | | | | 0.00% | 96.00% | 0.25% | 96.25% | 100.00% | 100.00% | 100.00% | | 96.156% | 0.000% |

**Requirements:**
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

**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
A = Asian
AI = Asian Indian
AP = Asian Pacific
C = Caucasian
AP - Asian Pacific
H = Hispanic
NA = Native American
O = Other
NL = Not Listed

**Proposed VSLBE/LPG participation is valued at .25%,however,per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentages are reflected on the evaluation form and cover memo.**

## CITY ADMINISTRATOR'S OFFICE

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.** **1000654**

**RE:** **The Rehabilitation of Sanitary Sewers in Sub-Basin 83-012 (REBID)**

**CONTRACTOR** **Pacific Trenchless**

| Engineer's Estimate: | Contractors' Bid Amount | Over/Under Engineer's |
|---|---|---|
| $2,984,045.00 | $3,524,746.00 | ($540,701.00) |

| Discounted Bid Amount: | Amt. of Bid Discount | Discount Points: |
|---|---|---|
| $3,348,508.70 | $176,237.30 | 5.00% |

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

2. Did the contractor meet the 50% requirement **YES**
   - a) % of LBE participation **0.00%**
   - b) % of SLBE participation **90.79%**
   - c) % of VSLBE participation **0.51%** (Double counted value is 1.02%)

3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
   - a) Total L/SLBE trucking participation **100.00%**
   - a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**
   - (If yes, list the points received) **5%**

5. Additional Comments.
**Proposed VSLBE/LPG participation is valued at .51%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 1.02%**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 11/17/2017 (Date)

**Reviewing Officer:** _____ **Date:** 11/17/2017

**Approved By:** Shelley Darensburg **Date:** 11/17/2017

# LBE/SLBE Participation
# Bidder 2

**Project Name:** The Rehabilitation of Sanitary Sewers in Sub-Basin 83-012 (REBID)

**Project No.:** 1000654 **Engineer's Estimate** 2,984,045.00 **Under/Over Engineers Estimate:** -540,701

| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG | Total LBE/SLBE | L/S/VSLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PRIME | Pacific Trenchless | Oakland | CB | | 3,190,046 | | 3,190,046 | | | 3,190,046 | C | | |
| Trucking | All City Trucking | Oakland | CB | | 10,000 | | 10,000 | 10,000 | 10,000 | 10,000 | AI | 10,000 | |
| CIPP Lining | Christian Bros Lining | Fairfield | UB | | | | | | | 71,700 | C | | |
| HDPE Pipe | P&F Distributors | Brisbane | UB | | | | | | | 165,000 | C | | |
| Manhole Lining | Contech of California | Stockton | UB | | | | | | | 25,000 | C | | |
| Class II AB | Argent Materials | Oakland | UB | | | | | | | 21,000 | C | | |
| Drain Rock | Argent Materials | Oakland | UB | | | | | | | 24,000 | C | 24,000 | |
| Asphalt | Gallagher & Burk | Oakland | CB | | | 18,000 | 18,000 | | | 18,000 | C | | |
| **Project Totals** | | | | $0 | $3,200,046 | $18,000 | $3,218,046 | $10,000 | $10,000 | $3,524,746.00 | | $34,000 | $0 |
| | | | | 0.00% | 90.79% | 0.51% | 91.30% | 100.00% | 100% | 100% | | 0.96% | 0.00% |

**Requirements:**
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

**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
A = Asian
AI = Asian Indian
AP = Asian Pacific
C = Caucasian
AP - Asian Pacific
H = Hispanic
NA = Native American
O = Other
NL = Not Listed

**Proposed VSLBE/LPG participation is valued at .51%,however,per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentages are reflected on the evaluation form and cover memo.**

*Attachment C2*

CITY OF OAKLAND

# *INTER OFFICE MEMORANDUM*

**TO:** Johnny Liu,
Civil Engineer

**FROM:** Deborah Barnes, Shelley Darensbourg for
Director, Contracts & Compliance

**SUBJECT:** **Compliance Analysis**
**Sanitary Sewer Rehabilitation Phase III**
**(Sub-Basin 56-07)**
**Project No. 1001039**

**DATE:** January 10, 2018

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) 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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

| Compliant with 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 | *VSLBE/LPG | L/SLBE /VSLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | |
| Andes Construction | $3,701,555.00 | 92.84% *94.19% | 0.00% | 91.49% | 1.35% | 100.00% | *94.19% | 5.0% | $3,516,477.25 | Y |
| Pacific Trenchless, Inc. | $3,779,094.00 | 94.84% *97.22% | 0.00% | 92.46% | 2.38% | 100.00% | *97.22% | 5.0% | $3,590,139.30 | Y |

**Andes Construction and Pacific Trenchless, Inc. proposed VSLBE/LPG participation valued at 1.35% and 2.38%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Andes Construction and Pacific Trenchless, Inc. are 2.70% and 4.76%.*

**Comments:** As noted above, both firms exceed the minimum 50% L/SLBE participation requirement. Both firms are EBO compliant.

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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 San Leandro, Edes and 85th (SB85-101).**
**Project No: C268310**

**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? | **No** | If no, shortfall hours? | 1080 |
| Were shortfalls satisfied? | **No** | If no, penalty amount? | **$10818.29** |

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 | | |
| **9804** | **0** | **50%** | **4952** | **100** | **4952** | **0** | **0** | **100** | **406** | **15%** | **1486** | **1080** | |

**Comments: Andes Construction met the** Local Employment Program's 50% resident hiring goal and **did not met** the 15% Oakland Apprenticeship Program goals .

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

## CITY ADMINISTRATOR'S OFFICE

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.** 1001039

**RE:** **Sanitary Sewer Rehabilitation Phase III (Sub-Basin 56-07)**

**CONTRACTOR:** Andes Construction, Inc.

| Engineer's Estimate: | Contractors' Bid Amount | Over/Under Engineer's Estimate |
|---|---|---|
| $3,197,220.00 | $3,701,555.00 | ($504,335.00) |

| Discounted Bid Amount: | Amt. of Bid Discount | Discount Points: |
|---|---|---|
| $3,516,477.25 | $185,077.75 | 5.00% |

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

2. Did the contractor meet the 50% requirement **YES**
   a) % of LBE participation **0.00%**
   b) % of SLBE participation **91.49%**
   c) % of VSLBE participation ***1.35%**

** Proposed VSLBE/LPG particiation **2.70%** (double counted value)

3. Did the contractor meet the L/SLBE trucking requirement? **YES**
   a) Total L/SLBE trucking participation **0.00%**
   a) Total VSLBE trucking participation **100.00%**

4. Did the contractor receive bid discount points? **YES**
   (If yes, list the points received) **5%**

5. Additional Comments.

**Proposed VSLBE/LPG participation is valued at 1.35%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirment. Therefore, the VSLBE/LPG value is 2.70%.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 1/10/2018 Date

**Reviewing Officer:** _____ **Date:** 1/10/2018

**Approved By:** Shelley Darensburg **Date:** 1/10/2018

# LBE/SLBE Participation
## Bidder 1

**Project Name:** Sanitary Sewer Rehabilitation Phase III (Sub-Basin 56-07)

**Project No.:** 1001039 **Engineer's Estimate** 3,197,220.00 **Under/Over Engineers Estimate:** -504,335.00

| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG (2x Value) | Total LBE/SLBE | VSLBE Trucking | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PRIME | Andes Construction, Inc. | Oakland | CB | | 3,386,555.00 | | 3,386,555.00 | | | | 3,386,555.00 | H | 3,116,555.00 | |
| Trucking | Foston Trucking | Oakland | CB | | | 30,000.00 | 30,000.00 | 30,000.00 | | 30,000.00 | 30,000.00 | AA | 30,000.00 | |
| Saw Cutting | Bayline Cutting | Berkeley | UB | | | | | | | | 15,000.00 | H | 15,000.00 | |
| MH Precast | Old Castle | Pleasanton | UB | | | | | | | | 60,000.00 | C | | |
| MH Rehab | Contech of California | Stockton | UB | | | | | | | | 30,000.00 | C | | |
| HDPE Pipe | P & F Distributors | Brisbane | UB | | | | | | | | 120,000.00 | C | | |
| AC | Gallagher & Burk | Oakland | CB | | | 20,000.00 | 20,000.00 | | | | 20,000.00 | C | | |
| AB | Inner City | Oakland | UB | | | | | | | | 18,000.00 | C | | |
| MH Survey | Benchmark | Modesto | UB | | | | | | | | 22,000.00 | C | | |
| **Project Totals** | | | | 0.00 | 3,386,555.00 | 50,000.00 | 3,436,555.00 | 30,000.00 | 0.00 | 30,000.00 | 3,701,555.00 | | 3,161,555.00 | 0.00 |
| | | | | 0.00% | 91.49% | 1.35% | 92.84% | 100.00% | 0.00% | 100.00% | 100.00% | | 85.41% | 0.00% |

**Requirements:**
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

**Ethnicity**
AA = African American
A = Asian
AI = Asian Indian
AP = Asian Pacific

**** Proposed VSLBE/LPG particiation is valued at 1.35%, 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.**

## CITY ADMINISTRATOR'S OFFICE

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.** **1001039**

**RE:** **Sanitary Sewer Rehabilitation Phase III (Sub-Basin 56-07)**

**CONTRACTOR: Pacific Trenchless, Inc.**

| Engineer's Estimate: | Contractors' Bid Amount | Over/Under Engineer's Estimate |
|---|---|---|
| $3,197,220.00 | $3,779,094.00 | ($581,874.00) |

| Discounted Bid Amount: | Amt. of Bid Discount | Discount Points: |
|---|---|---|
| $3,590,139.30 | $188,954.70 | 5.00% |

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

2. Did the contractor meet the 50% requirement **YES**
   - a) % of LBE participation **0.00%**
   - b) % of SLBE participation **92.46%**
   - c) % of VSLBE participation ***2.38%** **4.76%** (double counted value)

3. Did the contractor meet the L/SLBE trucking requirement? **YES**
   - a) Total L/SLBE trucking participation **100.00%**
   - a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**

   (If yes, list the points received) **5%**

5. Additional Comments.

**Proposed VSLBE/LPG participation is valued at 2.38%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirment. Therefore, the VSLBE/LPG value is 4.76%.**

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

1/10/2018
Date

**Reviewing Officer:** _____ **Date:** 1/10/2018

**Approved By:** _____ **Date:** 1/10/2018

# LBE/SLBE Participation
# Bidder 2

| Project Name: | Sanitary Sewer Rehabilitation Phase III (Sub-Basin 56-07) | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Project No.: | 1001039 | Engineer's Estimate | 3,197,220.00 | Under/Over Engineers Estimate: | -581,874.00 | | | | | | | | | |
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | *VSLBE/LPG (2x Value) | Total LBE/SLBE | VSLBE Trucking | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
| PRIME | Pacific Trenchless, Inc. | Oakland | CB | | 3,483,054.00 | | 3,483,054.00 | | | | 3,483,054.00 | C | | |
| Trucking | All City Trucking | Oakland | CB | | 11,000.00 | | 11,000.00 | | 11,000.00 | 11,000.00 | 11,000.00 | AI | 11,000.00 | |
| CIPP Lining | Christian Bros. Lining | Fairfield | UB | | | | | | | | 45,040.00 | C | | |
| HDPE Pipe | P & F Distributors | Brisbane | UB | | | | | | | | 147,000.00 | C | | |
| Manhole Lining | Contech of California | Stockton | UB | | | | | | | | 17,000.00 | C | | |
| Class II AB | Argent Materials | Oakland | CB | | | 13,000.00 | 13,000.00 | | | | 13,000.00 | C | | |
| Drain Rock | Argent Materials | Oakland | CB | | | 14,000.00 | 14,000.00 | | | | 14,000.00 | C | | |
| Asphalt | Gallagher & Burk | Oakland | CB | | | 18,000.00 | 18,000.00 | | | | 18,000.00 | C | | |
| Concrete | Right Away Ready Mix | Oakland | UB | | | | | | | | 12,000.00 | C | | |
| Survey | Benchmarking Eng. Inc. | Modesto | UB | | | | | | | | 19,000.00 | C | | |
| **Project Totals** | | | | 0.00 | 3,494,054.00 | 45,000.00 | 3,539,054.00 | 0.00 | 11,000.00 | 11,000.00 | 3,779,094.00 | | 11,000.00 | 0.00 |
| | | | | 0.00% | 92.46% * | 2.38% | 94.84% | 0.00% | 100.00% | 100.00% | 100.00% | | 0.29% | 0.00% |

**Requirements:**
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirment.

**Ethnicity**
AA = African American
A = Asian
AI = Asian Indian
AP = Asian Pacific

** Proposed VSLBE/LPG particiation is valued at 2.38%, 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.

*Attachment D*

# City of Oakland
## Public Works Agency
## CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: C329149 Rehab of Sanitary Sewer bounded by Mountain Blvd, Berneves Ct, Redwood Rd, & Sereno Circle (basin 83-502)

Work Order Number (if applicable): _____
Contractor: Andes Construction, Inc
Date of Notice to Proceed: 01/25/2016

Date of Notice of Substantial Completion: N/A

Date of Notice of Final Completion: 01/19/2017

Contract Amount: $2,126,470.00

Evaluator Name and Title: Joseph Fermanian, 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? | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 2a | Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation. | | | 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 4 | Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation. | | | | Yes ☐ | No ☒ |
| 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. | ☐ | ☐ | ☐ | ☒ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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 ☒ | 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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 ☒ | 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 12 | Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation. | | | | Yes ☐ | No ☒ |
| 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 ☒ | 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). | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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?<br>Number of Claims: _____<br>Claim amounts: $_____<br>Settlement amount:$_____ | | | | Yes ☐ | No ☒ |
| 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). | ☐ | ☐ | ☒ | ☐ | ☐ |
| 17 | Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation. | | | | Yes ☐ | No ☒ |
| 18 | **Overall, how did the Contractor rate on financial issues?**<br>**The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.**<br>**Check 0, 1, 2, or 3.** | 0 ☐ | 1 ☐ | 2 ☒ | 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 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. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 20b | Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 20c | Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 20d | Were there any billing disputes? If "Yes", explain on the attachment. | | | | Yes ☐ | No ☒ |
| 21 | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation. | | | | Yes ☐ | 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 ☐ | 1 ☐ | 2 ☒ | 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 ☒ | No ☐ |
| 24 | Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 25 | Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment. | | | | Yes ☐ | No ☒ |
| 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 ☐ | |

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

**TOTAL SCORE** (Sum of 1 through 5): ____2____

**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.*

11-20-17
Contractor / Date

11/13/2017
Resident Engineer / Date

11-13-2017
Supervisor / Date

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 MAY -9 PM 3:08

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, FOR SANITARY SEWER REHABILITATION SUB-BASIN 83-012 REBID (PROJECT NO. 1000654) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION TWO HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED FORTY-TWO DOLLARS ($3,251,742.00)**

**WHEREAS,** on November 9, 2017, two bids were received by the Office of the City Clerk of the City of Oakland for Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654); 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 as part of FY 2017-18 CIP budget: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Project No. 1000654; $3,251,742.00; and these funds were specifically allocated for this project; and

**WHEREAS,** this project will help reduce the amount of sanitary sewer maintenance and wet weather peak flows; 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

**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; and

**WHEREAS,** Andes Construction, Inc. complies with all LBE/SLBE and trucking requirements; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for Sanitary Sewer Rehabilitation Sub-Basin 83-012 (Project No. 1000654) to Andes Construction, Inc., the lowest responsive and responsible bidder, in the amount of $3,251,742.00 in accord with plans and specifications for the project and with contractor's bid dated November 9, 2017; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, $3,251,742.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, $3,251,742.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, 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 of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Andes Construction, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provisions without going back to City Council; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; 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 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, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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