

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2008 DEC -4 AM 9:54

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: December 16, 2008

RE: **Resolution Authorizing Award Of A Construction Contract To Gallagher And Burk, Inc., For Citywide Street Resurfacing FY 2007-2008 (Project No. G339610), In The Amount Of One Million Eight Hundred Ninety-Five Thousand And Seventy Dollars (\$1,895,070.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or his designee, to award a construction contract in the amount of \$1,895,070.00 to Gallagher And Burk, Inc., for Citywide Street Resurfacing FY 2007-2008 (Project G339610). The work to be completed under this project is part of the City's street resurfacing program. The work is located throughout the City and the streets that will be resurfaced as part of this project are listed in *Attachment A*.

This project is funded by a federal Surface Transportation Program (STP) grant that requires local agencies to use Department of Transportation guidelines for project administration and auditing. Arterial streets that meet Federal Aid System (FAS) eligibility requirements were selected for this project.

FISCAL IMPACT

The engineer's estimate for the construction work is \$2,191,240.00 and the construction contract will be in the amount of \$1,895,070.00.

Grant funding for this street resurfacing project was approved and appropriated by City Council on May 2, 2006, Resolution No. 79875. Local matching funds for this project were appropriated in FY 07-08 using Measure B-ACTIA Fund (2211). Funds available for this project are as follows:

- Department of Transportation Fund (2116); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339610; \$1,677,705.00.
- Measure B – ACTIA (2211); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339620; \$217,365.00.

Item: _____
Public Works Committee
December 16, 2008

SUMMARY OF PROJECT FUNDING

<u>FUND</u>	<u>ORG</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>	<u>PERCENT</u>
2116	92242	57411	G339610	\$1,677,705.00	88.53%
2211	92242	54711	G339620	\$217,365.00	11.47%
TOTAL				\$1,895,070.00	100.00%

Federal STP funds require a corresponding 11.47 percent local match of \$217,365.00. The grant also requires that the City of Oakland award a construction contract by January 11, 2009.

Federal funds for this project are limited to the streets approved in the original grant and any unused funds shall be returned to the granting agency.

Streets resurfaced on this project will reduce the overall backlog of pavement work. Best management practices recommend a preventive maintenance treatment strategy to maintain the street in good condition. Preventive maintenance (e.g. crack sealing and slurry sealing) retards pavement deterioration and prolongs pavement useful life.

BACKGROUND

On October 20, 2008, the City Clerk received five bids for the project. The bids ranged from \$1,895,070.00 to \$2,379,480.00. Gallagher and Burk, Inc., submitted the lowest responsible bid in the amount of \$1,895,070.00. A summary of the bids is shown on *Attachment B*.

Department of Transportation guidelines are used to administer this project. There will be Disadvantaged Business Enterprise (DBE) participation of \$150,000.00 (7.92 percent), which meets federal DBE requirements. The DBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in *Attachment C*.

The proposed work consists of resurfacing about 2.23 centerline miles (about 10.48 lane miles) of City streets, as shown in *Attachment A*. The project includes: repairs to adjacent concrete curb and gutter, sidewalks, driveways, and curb ramps; Asphalt Concrete (AC) base repair; pavement milling; AC overlay; replacement of traffic striping, pavement markers, and pavement markings; and other related work indicated on the plans and specifications.

Item: _____
Public Works Committee
December 16, 2008

The streets selected for this contract met the following Department of Transportation and Metropolitan Transportation Commission (MTC) criteria:

- a. To qualify for federal funding, streets selected must be Federal Aid System (FAS) streets, which include Arterial and Collector streets; local residential streets are not eligible for federal funding;
- b. Estimated project budget to resurface the selected streets is based on available STP funding; and
- c. Street selection is based on the City's 5-Yr Paving Plan, adopted in November 2007, which utilizes the City's Pavement Management Program to prioritize street selection based on pavement condition, funding levels, and benefit to cost ratio analysis.

Consideration was also given to known planned utility projects such as sewer rehabilitation, gas, and water replacement that would impact the planned street rehabilitation.

KEY ISSUES AND IMPACTS

Construction work is anticipated to begin in February 2009, weather permitting and will be completed by July 2009. The contract specifies \$2,800.00 in liquidated damages per calendar day if the contract completion time of 120 working days is exceeded. The project schedule is shown on *Attachment B*.

EVALUATION OF PERFORMANCE

The Contractor Performance Evaluation (Schedule L-2) for Gallagher and Burk, Inc., is not available for past projects. The City currently has two active street resurfacing contracts with Gallagher and Burk, Inc., and the contractor is performing satisfactorily on these projects.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Prevailing wages offer a livable wage for workers and contribute to an improved quality of life.

Federal grant guidelines require that the contractor ensure DBEs have an opportunity to participate in the performance of this contract. For this contract, the DBE participation is 7.92 percent. While the LBE/SLBE programs do not apply to this contract, the prime contractor, concrete sub contractor, and trucking firms are local businesses.

Item: _____
Public Works Committee
December 16, 2008

Environmental: Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible. In addition, the improved pavement surface will make walking and bicycling easier and thus encourage residents to walk and use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion.

Social Equity: The street rehabilitation program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions. The Pavement Management Program ensures that street rehabilitation funds are spent in a manner that is equitable throughout the city.

DISABILITY AND SENIOR CITIZEN ACCESS

Street resurfacing eliminates potholes and provides a uniform travel surface for all roadway users, including pedestrians using crosswalks and transit vehicles.

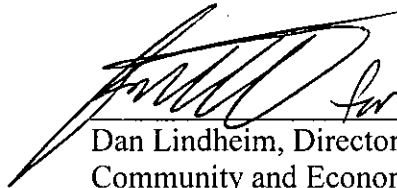
RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to Gallagher and Burk, Inc., in the amount of \$1,895,070.00 for Citywide Street Resurfacing FY 2007-2008 (Project No. G339610). Gallagher and Burk, Inc., has met the Disadvantaged Business Enterprise goals, and there are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director
CEDA/ Department of Engineering and Construction

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & Right of Way Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: _____
Public Works Committee
December 16, 2008

Attachment A

**CITYWIDE STREET RESURFACING FY 2007-08
PROJECT No. G339610
FEDERAL PROJECT No. STPL-5012(084)**

List of Streets

Street Name	Begin Location	End Location	Length (LF)	Area (SY)	PCI
E 8 ST	14 AV	7 AV	2,746	23,799	54
HARRISON ST EB	20 ST	GRAND AV	1,199	7,727	58
HARRISON ST WB	GRAND AV	20 ST	1,152	4,480	46
HIGH ST	E 14 ST	FOOTHILL BV	1,191	5,823	66
HIGH ST	HIGH ST BRIDGE	JENSEN ST	1,244	6,082	69
MACARTHUR BV	98 AV	90 AV	2,200	13,689	50
MACARTHUR BV	FOOTHILL BV	98 AV	2,034	12,204	46

TOTAL: 11,766 73,803

CENTERLINE MILES: 2.23

LANE MILES: 10.48

Notes:

- 1) Scope for work includes: pavement base repair, pavement milling and overlay, traffic striping and pavement marking installation, curb ramp installation, sidewalk repair, and curb and gutter repair.
- 2) One lane mile is equivalent to an area equal to a 12-foot wide lane that is one mile (5,280 ft) long.

Item: _____
Public Works Committee
December 16, 2008

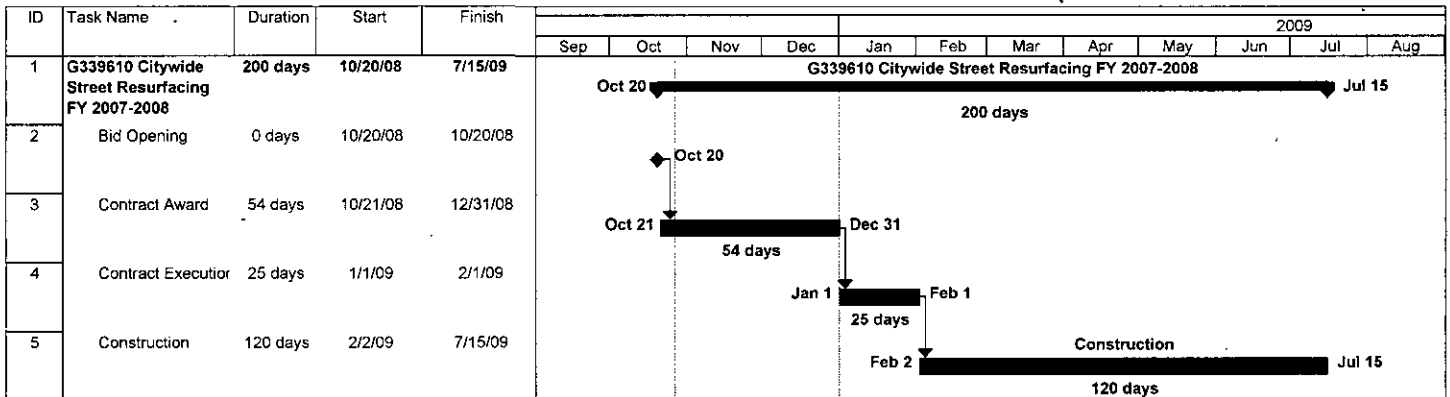
Attachment B

**CITYWIDE STREET RESURFACING FY 2007-08
PROJECT No. G339610
FEDERAL PROJECT No. STPL-5012(084)**

List of Bidders

Company	DBE Status	Location	Bid Amount
Gallagher and Burk, Inc.	Uncertified	Oakland	\$1,895,070.00
Top Grade Construction, Inc.	Uncertified	Oakland	\$1,934,860.00
Bay Cities Paving & Grading, Inc.	Uncertified	Oakland	\$2,248,667.00
Ghilotti Brothers, Inc.	Uncertified	San Rafael	\$2,328,547.00
C F Archibald Paving, Inc.	Uncertified	Redwood City	\$2,379,480.00

Project Schedule



Attachment C

**CITYWIDE STREET RESURFACING FY 2007-08
PROJECT No. G339610
FEDERAL PROJECT No. STPL-5012(084)**

Contract Compliance

Item: _____
Public Works Committee
December 16, 2008

Memo

Department of Contracting and Purchasing

Social Equity Division

To: Tawfic Halaby/Ferdinand Ciceron - Project Managers
From: Sophany Hang - Acting Contract Compliance Officer
Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*
CC: Gwen McCormick - Contract Administrator Supervisor
Date: November 6, 2008
Re: G339610-Citywide Street Resurfacing FY 2007-2008

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed five (5) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program participation and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total DBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Gallagher & Burk, Inc.	\$1,895,070	7.92%	NA	NA	NA	NA	NA	NA	NA	Y
Top Grade Construction, Inc.	\$1,934,860	6.87%	NA	NA	NA	NA	NA	NA	NA	Y
Bay Cities Paving & Grading, Inc.	\$2,248,667	7.09%	NA	NA	NA	NA	NA	NA	NA	Y
Ghilotti Bros., Inc.	\$2,328,547	1.85%	NA	NA	NA	NA	NA	NA	NA	Y
C.F. Archibald Paving, Inc.	\$2,379,480	8.41%	NA	NA	NA	NA	NA	NA	NA	N

Comments: As noted above, all contractors have met the DBE race neutral goals. All firms are EBO compliant except C.F. Archibald Paving, Inc. They will have to come into compliance prior to contract award

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

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: NA
Project Name: NA
Project No. NA

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	NA	If no, shortfall hours?	N/A
Were all shortfalls satisfied?	NA	If no, penalty amount	N/A

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	If no, penalty amount	N/A

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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	C	D	D	E	F	G	H	I	I	J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is DBE project.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: Citywide Street Resurfacing FY 2007-2008

PROJECT NAME: G339610

CONTRACTOR: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,191,240	\$1,895,070	\$296,170

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **7.92%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **NA**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2008**

Reviewing Officer:

Joshua Hung

Date: 11/6/2008

Approved By:

Shelley Darenburg

Date: 11/6/2008

DBE Participation Bidder 1

Project Name: Citywide Street Resurfacing FY 2007-2008

Project No.: G339610										
Discipline	Prime & Subs	Location	Cert. Status	DBE %	Total %	DBE Dollars	Total Dollars	Certified DBE/WBE		
								Ethn.	DBE	WBE
PRIME	Gallagher & Burk, Inc.	Oakland	UB		71.51%		1,355,070	C		
Concrete	AJW Construction	Oakland	UB		15.83%		300,000	H		
Striping	Striping Graphics	Petaluma	UB		4.75%		90,000	C		
Trucking (Partial)	Monroe Trucking	Oakland	CB	3.96%	3.96%	75,000	75,000	AA	3.96%	
Trucking (Partial)	Williams Trucking	Oakland	CB	3.96%	3.96%	75,000	75,000	AA	3.96%	
Project Totals				7.92%	100%	\$150,000	\$1,895,070		7.92%	
						7.92%	100%			
								Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G339610

PROJECT NAME: Citywide Street Resurfacing FY 2007-2008

CONTRACTOR: Top Grade Construction, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,191,240	\$1,934,860	\$256,380

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **6.87%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2008**

Reviewing Officer:

Shelley Hanz

Date: 11/6/2008

Approved By:

Shelley Dorensberg

Date: 11/6/2008

DBE Participation Bidder 2

Project Name: Citywide Street Resurfacing FY 2007-2008

Project No.: G339610								Certified DBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	DBE %	Total %	DBE Dollars	Total Dollars	Ethn.	DBE	WBE
PRIME	Top Grade Construction, Inc.	Oakland	UB		73.00%		1,412,465	C		
Adjust Utilities	Elcamino Paving	Oakland	UB		0.35%		6,800	NL		
Concrete	Rosas Brothers Construction	Oakland	UB		15.71%		304,000	H		
Striping	Chrisp Company	Fremont	UB		4.06%		78,595	NL		
Trucking	CJC Trucking	Oakland	CB	6.87%	6.87%	133,000	133,000	AA	6.87%	
Project Totals					6.87%	100%	\$133,000		6.87%	
						6.87%	100%			
								Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

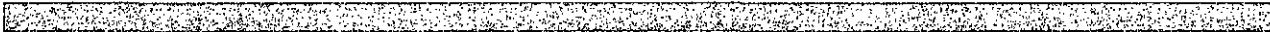
Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G339610

PROJECT NAME: Citywide Street Resurfacing FY 2007-2008



CONTRACTOR: Bay Cities Paving & Grading, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,191,240	\$2,248,667	(\$57,427)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A



- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **7.09%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2008**

Reviewing Officer:

Sally Hung

Date: 11/6/2008

Approved By:

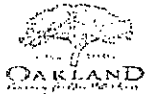
Shelley Oarensburg

Date: 11/6/2008

DBE Participation Bidder 3

Project Name: Citywide Street Resurfacing FY 2007-2008

Project No.: G339610											
Discipline	Prime & Subs	Location	Cert. Status	DBE %	Total %	DBE Dollars	Total Dollars	Certified DBE/WBE			
								Ethn.	DBE	WBE	
PRIME	Bay Cities Paving & Grading, Inc.	Oakland	UB		73.69%		1,656,992	C			
Survey	Union City Construction	Fremont	UB		0.58%		13,000	NL			
Trucking	CJC Trucking	Oakland	CB	7.09%	7.09%	159,375	159,375	AA	7.09%		
Striping	Striping Graphics	Petaluma	UB		4.57%		102,850	NL			
Concrete	AJW Construction	Oakland	UB		14.07%		316,450	H			
Project Totals					7.09%	100%	\$159,375	\$2,248,667		7.09%	0%
						7.09%	100%				
								Ethnicity			
								AA = African American			
								AI = Asian Indian			
								AP = Asian Pacific			
								C = Caucasian			
								H = Hispanic			
								NA = Native American			
								O = Other			
								NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G339610

PROJECT NAME: Citywide Street Resurfacing FY 2007-2008

CONTRACTOR: Ghilotti Bros., Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,191,240	\$2,328,547	(\$137,307)

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **1.85%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2008**

Reviewing Officer:

Shelley Hag

Date: 11/6/2008

Approved By:

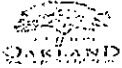
Shelley Darenburg

Date: 11/6/2008

DBE Participation Bidder 4

Project Name: Citywide Street Resurfacing FY 2007-2008

Project No.: G339610										
Discipline	Prime & Subs	Location	Cert. Status	DBE %	Total %	DBE Dollars	Total Dollars	Certified DBE/WBE		
								Ethn.	DBE	WBE
PRIME	Ghilotti Bros., Inc.	San Rafael	UB		94.74%		2,206,047	NL		
Trucking	CJC Trucking	Oakland	CB	1.85%	1.85%	43,000	43,000	AA	1.85%	
Striping	Striping Graphics	Petaluma	UB		3.41%		79,500	NL		
Project Totals				1.85%	100%	\$43,000	\$2,328,547		1.85%	0.00%
						1.85%	100%			
							Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G339610

PROJECT NAME: Citywide Street Resurfacing FY 2007-2008

CONTRACTOR: C.F. Archibald Paving, Inc.

Engineer's Estimate: \$2,191,240	Contractors' Bid Amount \$2,379,480	Over/Under Engineer's Estimate (\$188,240)
--	---	--

Discounted Bid Amount: N/A	Amt. of Bid Discount N/A	Discount Points: N/A
--------------------------------------	------------------------------------	--------------------------------

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **8.41%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**
- 6. Additional Comments.
This is a race neutral project DBE participation is not required.
- 7. Date evaluation completed and returned to Contract **11/6/2008**

Reviewing Officer:

[Signature]

Date: 11/6/2008

Approved By:

[Signature]

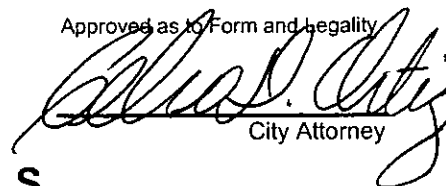
Date: 11/6/2008

DBE Participation Bidder 5

Project Name: Citywide Street Resurfacing FY 2007-2008										
Project No.: G339610										
Discipline	Prime & Subs	Location	Cert. Status	DBE %	Total %	DBE Dollars	Total Dollars	Certified DBE/WBE		
								Ethn.	DBE	WBE
PRIME	C.F. Archibald Paving, Inc.	Redwood City	UB		44.10%		1,049,330			
Trucking	Monroe Trucking	Oakland	CB	4.20%	4.20%	100,000	100,000	AA	4.20%	
Concrete	JJR Construction	San Mateo	UB		12.61%		300,000			
Striping	Diaz Corp	San Jose	CB	4.21%	4.21%	100,150	100,150	H	4.21%	
Supplier	DeSilva Gates	Dublin	UB		33.62%		800,000			
Supplier	Spirit Road Oils	San Jose	UB		1.26%		30,000			
Project Totals				8.41%	100%	\$200,150	\$2,379,480		8.41%	0%
						8.41%	100%			
								Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise								

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2008 DEC -4 AM 9:58 RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., FOR CITYWIDE STREET RESURFACING FY 2007-2008 (PROJECT NO. G339610), IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED NINETY-FIVE THOUSAND AND SEVENTY DOLLARS (\$1,895,070.00)

WHEREAS, the City of Oakland was awarded a federal Surface Transportation Program (STP) grant for street rehabilitation; and

WHEREAS, this federal STP grant requires a local match of 11.47 percent; and

WHEREAS, Department of Transportation Fund (2116) grant funding for the street resurfacing project was approved and appropriated by City Council on May 2, 2006, Resolution No. 79875. Local matching funds for this project were appropriated in FY 07-08 using Measure B-ACTIA Fund (2211); and

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

- Department of Transportation Fund (2116); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339610; \$1,677,705.00.
- Measure B – ACTIA (2211); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339620; \$217,365.00; and

WHEREAS, this federal STP grant has a construction award deadline of January 11, 2008; and

WHEREAS, on October 20th, 2008, five bids were received by the Office of the City Clerk of the City of Oakland for Citywide Street Resurfacing FY 2007-2008 (Project No. G339610); and

WHEREAS, Gallagher & Burk, Inc., is the lowest responsible bidder for the project and has met the federal Disadvantaged Business Enterprise (DBE) requirements; and

WHEREAS, the Engineer's Estimate for the work is \$2,191,240.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs, and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of the economy; and

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

WHEREAS, the City of Oakland's streets infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council recently adopted a 5-Year Paving Plan for FY 07-12, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, only Federal Aid System (FAS) eligible streets may be selected for this project; and

WHEREAS, the project locations associated with this project are selected from the City's 5-Year Paving Plan for FY 07-12 and are FAS eligible; and

WHEREAS, the Department of Transportation has determined the project documents and plans are eligible for federal funding; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; now, therefore be it

RESOLVED: That the contract for Citywide Street Resurfacing FY 2007-2008 (Project No. G339610) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the contractor's bid therefore, dated October 20, 2008 in the amount of one million, eight hundred ninety-five thousand and seventy dollars (\$1,895,070.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,895,070.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$1,895,070.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the City Engineer for this project are hereby approved; and be it

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

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

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

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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