

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Council District **4B**  
2003 OCT 14 PM 1:48

**To:** Office of the City Manager  
**Attn:** Deborah Edgerly  
**From:** Public Works Agency  
**Date:** October 14, 2003

**Re:** Resolution Authorizing Award of a Construction Contract to Gallagher and Burk, Inc. for Rehabilitation of Certain Streets in the City of Oakland by the Overlay Method Between the Dates of September 1, 2003 and August 31, 2004, in the Amount of \$1,241,832.40 (Project No. C17180)

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**SUMMARY**

Staff recommends Council approval of a resolution authorizing the City Manager to award a construction contract to Gallagher and Burk, Inc. for Rehabilitation of Certain Streets in the City of Oakland by the Overlay Method between the Dates of September 1, 2003 and August 31, 2004 in the amount of \$1,241,832.40 (Project No. C17180).

**FISCAL IMPACT**

The engineer's estimate for the construction work is \$1,463,364 and the construction contract will be in the amount of \$1,241,832.40. Funding comes from the Municipal Capital Improvement Fund and State Traffic Congestion Relief Funds. Funding for the MacArthur Bike Lane portion of the project comes from a Transportation Fund for Clean Air (TFCA) Grant. The estimated cost for this part of the project is \$61,497 (this cost is included in the total estimate). Sufficient funds are available for the construction work in the following three project accounts:

FUND	ORGANIZATION	ACCOUNT	PROJECT	AMOUNT	PERCENT
2141	92480	57411	C173230	\$ 870,000	59.45%
5500	92480	57411	C17180	\$ 531,867	36.35%
2166	92480	57411	G217420	\$ 61,497	4.20%
<b>TOTAL</b>				<b>\$ 1,463,364</b>	<b>100.00%</b>

**BACKGROUND**

On August 25, 2003, the City Clerk received three bids for the project as shown on *Attachment A*. The project consists of the resurfacing of approximately 7.9 centerline miles of streets. The streets scheduled to be resurfaced are shown on *Attachment B*.

**KEY ISSUES AND IMPACTS**

Construction work is scheduled to begin in November 2003 and will be completed by November 2004. The contract specifies \$425 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 260 working days. The project schedule is shown on *Attachment A*.

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Public Works Committee  
October 14, 2003

**CITY OF OAKLAND**  
**AGENDA REPORT**

**To:** Office of the City Manager  
**Attn:** Deborah Edgerly  
**From:** Public Works Agency  
**Date:** October 14, 2003

**Council District:** All

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2166	92480	57411	G217420	\$ 61,497	4.20%
<b>TOTAL</b>				<b>\$ 1,463,364</b>	<b>100.00%</b>

**BACKGROUND**

On August 25, 2003, the City Clerk received three bids for the project as shown on *Attachment A*. The project consists of the resurfacing of approximately 7.9 centerline miles of streets. The streets scheduled to be resurfaced are shown on *Attachment B*.

**KEY ISSUES AND IMPACTS**

Construction work is scheduled to begin in November 2003 and will be completed by October 2004. The contract specifies \$425 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 260 working days. The project schedule is shown on *Attachment A*.

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Public Works Committee  
October 14, 2003

The low bidder has met all the City's local trucking program requirements. For the low bidder, the SLBE participation is 23.69% and the LBE participation is 15%. The total LBE/SLBE participation level is 38.69%. While these participation levels do not meet the requirements they are the highest levels from all bidders. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Manager's Office and is shown in *Attachment C*.

#### **SUSTAINABLE OPPORTUNITIES**

**Economic:** All public works contracts require prevailing rate of wages. The low bidder has a LBE participation level of 15% and a SLBE participation level of 23.69%. The low bidder has a local trucking participation level of 100%, which meets the City's participation goals.

**Environmental:** New asphalt pavement contains as much as 15% recycled asphalt. A portion of this project is dedicated to creating a new bike lane on Macarthur Boulevard between Lakeshore and Park. Bike lanes encourage a more active lifestyle and promote the use of alternative transportation and reduce pollution due to automobile use.

**Social Equality:** Resurfacing of streets is based on street condition and ranking by City's Pavement Management System (PMS).

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

Street resurfacing will eliminate potholes and provide a uniform travel surface for pedestrians using crosswalks.

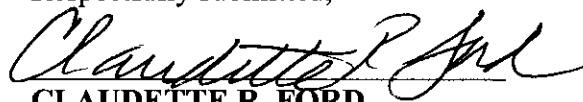
#### **RECOMMENDATION AND RATIONALE**

It is recommended that the City Manager be authorized to award the construction contract to Gallagher and Burk, Inc., the lowest responsible bidder, in the amount of \$1,241,832.40. While Gallagher and Burk, Inc. have not met the City's LBE/SLBE program requirements they have the highest percentages of all the bidders. Gallagher and Burk, Inc. has met the local trucking requirements and there are sufficient funds in the project account.

#### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



**CLAUDETTE R. FORD**

Director, Public Works Agency

Reviewed by:

Dwight A. Chambers

Operations Manager, Public Works Agency  
Street and Sidewalk Maintenance

Prepared by:

Jaime Heredia, P.E.

Supervising Civil Engineer

Street and Sidewalk Maintenance

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY MANAGER

Item: 6  
Public Works Committee  
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*Attachment A*

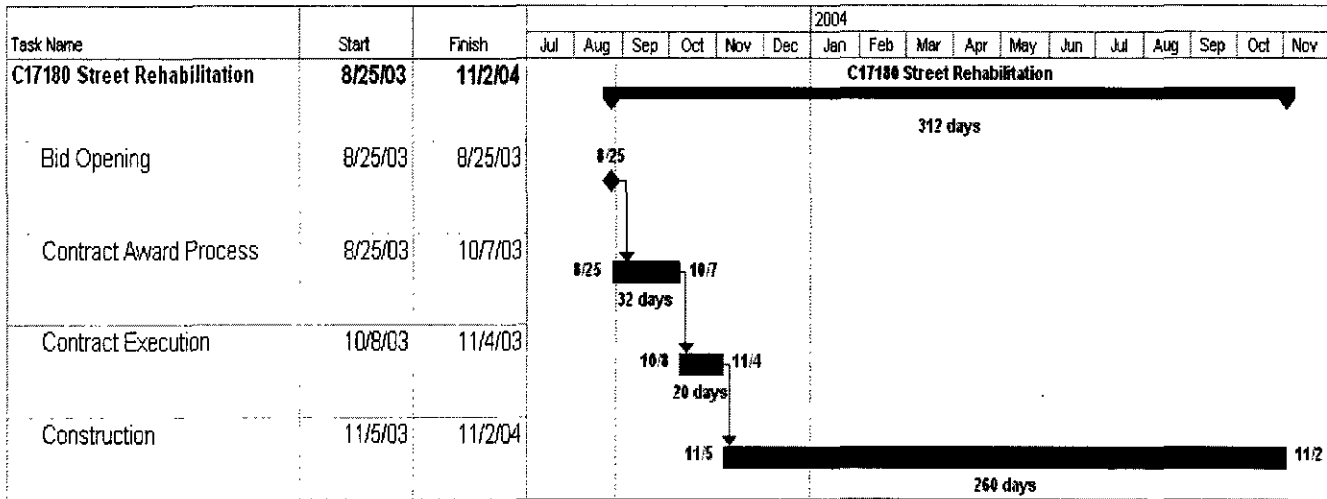
**Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Between the Dates of September 1, 2003 and August 31, 2004**

**(Project C17180)**

**List of Bidders**

Company	Status	Location	Bid Amount
Gallagher & Burk, Inc.	Local Business	Oakland	\$ 1,241,832
Granite Construction Company	Uncertified	Watsonville	\$ 1,578,746
McGuire & Hester	Local Business	Oakland	\$ 1,279,951

**Project Schedule**



*Attachment B*

**Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Between the Dates of September 1, 2003 and August 31, 2004**

**Pavement Resurfacing Locations**

	STREET	FROM	TO	RESURFACING METHOD	AREA (SY)	COUNCIL DISTRICT
1	2 <sup>nd</sup> ST	WASHINGTON ST	BRUSH ST	OVERLAY	8,806	3
2	34 <sup>th</sup> AV	FOOTHILL BV	INTERNATIONAL BV	OVERLAY	7,843	5
3	41 <sup>st</sup> AV	FOOTHILL BV	MERA ST	OVERLAY	1,893	5
4	61 <sup>st</sup> ST	ADELINE ST	MLK JR WAY	OVERLAY	1,390	1
5	61 <sup>st</sup> ST	TELEGRAPH AV	CANNING ST	OVERLAY	1,067	1
6	73 <sup>rd</sup> AV	OUTLOOK AV	MACARTHUR BV	OVERLAY	3,544	6
7	ABERFOIL AV	DINGLEY ST	ELVESSA ST	OVERLAY	2,443	7
8	ADELL CT	MONTANA ST	MACARTHUR BV	OVERLAY	1,219	4
9	BALSAM WAY	BROADWAY TERR	SOUTH END	OVERLAY	2,660	1
10	CLAY ST	4 <sup>th</sup> ST	EMBARCADERO	OVERLAY	3,574	3
11	CLIFFLAND AV	OVERMOOR ST	DINGLEY ST	OVERLAY	1,707	7
12	E 25 <sup>TH</sup> ST	23 <sup>rd</sup> AV	NORTH END	OVERLAY	4,672	5
13	E 8 <sup>TH</sup> ST	29 <sup>th</sup> AV	LIBSON ST	OVERLAY	2,223	5
14	ELMWOOD AV	FRUITVALE AV	SOUTH END	OVERLAY	2,660	5
15	FAIRWAY ST	SEQUOYAH RD	SEQUOYAH RD	OVERLAY	5,643	7
16	HIGHLAND ST	E 24 <sup>TH</sup> ST	EAST END	OVERLAY	3,108	5
17	HOLLAND ST	53 <sup>rd</sup> AV	55 <sup>th</sup> AV	OVERLAY	3,070	5
18	LA SALLE AV	MORAGA AV	TYSON CIR	OVERLAY/FABRIC	8,985	4
19	LOCHARD ST	MALCOLM AVE	PRIVATE ENTR	OVERLAY	3,113	7
20	MACARTHUR BV	PARK BL	HILGERT CIR	SLURRY	15,951	2
21	MACARTHUR BV	HILGIRT CIR	BEACON ST	OVERLAY/FABRIC	8,155	2
22	MACARTHUR BV	BEACON ST	LAKESHORE AV	SLURRY	1,672	2
23	MASTELANDS DR	ASCOT DR	CASTLE DR	OVERLAY	6,211	4
24	MELDON ST	STORER AV	BIRDSALL AV	OVERLAY	2,487	6
25	SHEPHERD CYN RD	SNAKE RD	AITKEN DR	OVERLAY	22,161	4
26	SIGOURNEY AV	ELYSIAN FIELDS	WEST END	OVERLAY	1,037	7
27	SILVERADO CT	DONNA WAY	NORTH END	OVERLAY	692	7
28	SIMS DR	PVMT CHANGE	SOUTH END	OVERLAY	869	4
29	THUNDERBIRD CT	DONNA WAY	NORTH END	OVERLAY	734	7
30	WESTMINSTER DR	COUNTRY CLUB DR	GLENBROOK DR	OVERLAY	2,670	1
31	WESTWOOD WAY	ASPINALL RD	WESTWOOD CT	OVERLAY	560	4
32	WINSOR AV	LAKESHORE AV	CITY LIMIT	OVERLAY	1,633	2
33	WOOD DR	LA SALLE AV	HARBORD DR	OVERLAY	5,559	4

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 Public Works Committee  
 October 14, 2003

**Contract Compliance and  
Employment Services Division  
Office of the City Manager**

# Memorandum

**Date:** September 4, 2003

**From:** Deborah Barnes, CC&ES Manager *DB*

**To:** Gwen McCormick, PWA Contract Administration Supervisor

**Regarding:** Compliance Evaluation for Resurfacing of Certain Streets by Overlay Method between September 1, 2003 and August 31, 2004

Contract Compliance & Employment Services reviewed three bids for the above referenced project. Of the total received, none of the contractors are in compliance with the L/SLBE goal as listed below:

Company Name	LBE	SLBE	Total	Trucking
Gallagher & Burk, Inc.	15%	23.69%	38.69%	100%
McGuire & Hester	15%	11.33%	26.33%	100%
Granite Rock Co.	0%	5.07%	5.07%	100%

CC: Attachments

**b**  
PUBLIC WORKS CMTE.

OCT 14 2003

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION  
OFFICE OF THE CITY MANAGER



**Contract Compliance Evaluation Form**

Project No.: C17180

Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Betwn Sept. 1, 2003 and August 31, 2004

Bid Opening Date: 8/25/2003

Engineer Estimate: \$1,683,932

Contractor: Gallagher & Burk, Inc.

Contractor's bid amount: \$1,241,832

5% credit for LBE/SLBE Preference: <input checked="" type="checkbox"/> Yes	5% of the TOTAL BID Amount: = \$62,092
5% credit for Joint Venture Preference: <input type="checkbox"/> No	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/> No	If yes, 5% is added to the overall Total LBE percentage goal.
<b>ADJUSTED LBE % TOTAL:</b>	<b>ADJUSTED BID TOTAL: \$1,179,741</b>

- Did the Contractor meet the LBE/SLBE goals?  No
  - % of LBE participation 15.00%
  - % of SLBE participation 23.69%
- Did the Contractor meet the Trucking goal?  Yes
  - % of local trucking participation 100%
- If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?  No  
(If no, explain reasons for failure to meet GFE.)  
This Contractor did not meet the L/SLBE Goal and did not submit the GFE.

- Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 9/4/2003
- Is the contractor in compliance with all LBE/SLBE requirements?  No (If no, explain below)  
This Contractor did not meet the L/SLBE Goal and did not submit the GFE.

**PUBLIC WORKS CMTE.**  
**OCT 14 2003**

Reviewing Officer: [Signature]

Date: 9/4/2003

Approved By: [Signature]

Date: 9/4/03

Attachment C

LBE/SLBE PARTICIPATION

Lowest Bidder

Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Between Sept. 1, 2003 and August 31, 2004

Engineer Estimate: \$1,683,932  
 Bid Amount: \$1,241,832  
 Difference: <\$442,100>

Project No.: C17180

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH.	MBE	WBE
Prime	1	Gallagher & Burk, Inc.	Oakland	CB	\$186,275		\$186,275			\$907,088.40			
Slurry Seal	2	Bond Blacktop	Union City	UB						\$27,756.00			
Pavement Fab	3	Kent's oil Service	Stockton	UB						\$12,820.00			
Striping	4	Striping Express	Oakland	CB		\$67,368	\$67,368			\$67,368.00	AA	\$67,368	
Trucking	5	Monroe Trucking	Oakland	CB		\$170,000	\$170,000	\$170,000	\$170,000	\$170,000.00	AA	\$170,000	
Interplant Haul	6	Ola's Trucking	Oakland	CB		\$56,000	\$56,000	\$56,000	\$56,000	\$56,000.00	AA	\$6,000	
AB	7	Specialty Crushing	Oakland	CB		\$800	\$800			\$800.00			
		Project Subtotals:			\$186,275	\$294,168	\$480,443	\$226,000	\$226,000	\$1,241,832		\$243,368	0%
		Project Subtotals:			15.00%	23.69%	38.69%	100%	100%	100%		19.60%	0%

5% credit for LBE/SLBE Preference:  Yes  No  
 Calculation Amount: 5% of the TOTAL BID Amount: = \$62,092

5% credit for Joint Venture Preference:  No  Yes =

5% credit for Mentor Protégé Preference:  No  Yes =

If yes, 5% is added to the overall Total LBE percentage goal.

ADJUSTED LBE % TOTAL: \$1,179,741

ADJUSTED BID TOTAL: \$1,179,741

LEGEND:  
 ALL LBE    All certified Local and Small Local Businesses  
 LBE        Local Business Enterprise  
 SLBE       Small Local Business Enterprise  
 LIRU       Local Trucking Businesses

CB    Certified Business  
 UB    Uncertified Business  
 AA    African American  
 H     Hispanic American  
 A     Asian American

NA    Native American  
 C     Caucasian  
 MBE   Minority Business Enterprise  
 WBE   Woman Business Enterprise

GOALS:  
 The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking contract amount.



CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION  
OFFICE OF THE CITY MANAGER



**Contract Compliance Evaluation Form**

Project No.: C17180

Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Betwn Sept. 1, 2003 and August 31, 2004

Bid Opening Date: 8/25/2003

Engineer Estimate: \$1,683,932

Contractor: McGuire & Hester

Contractor's bid amount: \$1,279,951

5% credit for LBE/SLBE Preference: <input checked="" type="checkbox"/> Yes	5% of the TOTAL BID Amount: = \$63,998
5% credit for Joint Venture Preference: <input checked="" type="checkbox"/> No	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input checked="" type="checkbox"/> No	If yes, 5% is added to the overall Total LBE percentage goal.
<b>ADJUSTED LBE % TOTAL:</b>	<b>ADJUSTED BID TOTAL: \$1,215,954</b>

1. Did the Contractor meet the LBE/SLBE goals?  No

- a) % of LBE participation 15.00%
- b) % of SLBE participation 11.33%

2. Did the Contractor meet the Trucking goal?  Yes

- a) % of local trucking participation 100%

If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?  No

(If no, explain reasons for failure to meet GFE.)

This Contractor did not meet the L/SLBE Goal and did not meet the Good Faith Effort.

4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 9/4/2003

5. Is the contractor in compliance with all LBE/SLBE requirements?  No (If no, explain below)

This Contractor did not meet the L/SLBE Goal and did not meet the Good Faith Effort.

**6**  
**PUBLIC WORKS CMTE.**  
**OCT 14 2003**

Reviewing Officer: [Signature]

Date: 9/4/2003

Approved By: [Signature]

Date: 9/4/2003

## LBE/SLBE PARTICIPATION

2nd Bidder

Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Betwn Sept. 1, 2003 and August 31, 2004

Engineer Estimate: \$1,683,932  
 Bid Amount: \$1,279,951  
 Difference: <\$403,981 >

Project No.: C17180

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH.	MBE	WBE
Prime	1	McGuire & Hester	Oakland	CB	\$191,993		\$191,993			\$415,081			
Striping	2	Riley's Striping	Benecia	UB						\$67,619			
Slurry Seal	3	Black Top	Union City	UB						\$31,356			
Fabric	4	Kent's Oil Service	Stockton	UB						\$12,821			
Grinding	5	McElroy Grinding	Santa Clara	UB						\$138,544			
Utility Adjustment	6	Union City Construction	Fremont	UB						\$49,530			
Asphalt Concrete	7	Dutra Materials	San Rafael	UB						\$420,000			
Trucking	8	Monroe Trucking	Oakland	CB		\$145,000	\$145,000	\$145,000	\$145,000	\$145,000	AA	\$145,000	
This Contractor did not meet the 50% L/SLBE Goal and did not submit the GFE													
Project Subtotals:					\$191,993		\$336,993	\$145,000	\$145,000	\$1,279,951		\$145,000	0%
					15.00%	11.33%	26.33%	100%	100%	100%		11%	

5% of the TOTAL BID Amount: = \$63,998  
 Calculation Amount: X 5% =  
 If yes, 5% is added to the overall Total LBE percentage goal.

ADJUSTED LBE % TOTAL: \$1,215,954  
 ADJUSTED BID TOTAL: \$1,215,954

GOALS:  
 The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking contract amount.

LEGEND:  
 ALL LBE: All certified Local and Small Local Businesses  
 LBE: Local Business Enterprise  
 SLBE: Small Local Business Enterprise  
 LIRU: Local Trucking Businesses  
 CB: Certified Business  
 UB: Uncertified Business  
 AA: African American  
 H: Hispanic American  
 WBE: Woman Business Enterprise  
 NA: Native American  
 C: Caucasian  
 MBE: Minority Business Enterprise  
 WBE: Woman Business Enterprise  
 A: Asian American



**CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION  
OFFICE OF THE CITY MANAGER**

**Contract Compliance Evaluation Form**

Project No.: C17180Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Betwn Sept. 1, 2003 and August 31, 2004Bid Opening Date: 8/25/2003Engineer Estimate: \$1,683,932Contractor: Granite Rock Co. DBA Pavex ConstructionContractor's bid amount: \$1,578,746

5% credit for LBE/SLBE Preference: <input type="checkbox"/> No	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/> No	Calculation Amount.: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/> No	If yes, 5% is added to the overall Total LBE percentage goal.
<b>ADJUSTED LBE % TOTAL:</b>	<b>ADJUSTED BID TOTAL: \$1,578,746</b>

- Did the Contractor meet the LBE/SLBE goals?  No
  - % of LBE participation 0.00%
  - % of SLBE participation 5.07%
- Did the Contractor meet the Trucking goal?  Yes
  - % of local trucking participation 100%
- If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?  No  
(If no, explain reasons for failure to meet GFE.)  
This Contractor did not meet the L/SLBE Goal and did not submit the GFE.
- Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 9/4/2003
- Is the contractor in compliance with all LBE/SLBE requirements?  No (If no, explain below)  
This Contractor did not meet the L/SLBE Goal and did not submit the GFE.

Reviewing Officer: \_\_\_\_\_

Date: 9/4/2003

Approved By: \_\_\_\_\_

Date: 9/4/2003

Attachment C

LBE/SLBE PARTICIPATION

3rd Bidder

Project Name: Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Betwn Sept. 1, 2003 and August 31, 2004

Engineer Estimate: \$1,683,932  
 Bid Amount: \$1,578,746  
 Difference: <\$105,186>

Project No.: C17180

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE						
Prime	1	Granite Rock Co. DBA	Oakland	UB						\$757,326									
Utility Adjustment	2	Union City Construction	Fremont	UB						\$62,545									
Striping	3	Riley Striping	Benecia	UB						\$75,610									
Fabric	4	Kent's Oil Service	Stockton	UB						\$16,621									
Tree Clearing	5	Hein Bros	Martinez	UB						\$29,100									
Milling	6	FMG	Santa Clara	UB						\$138,544									
Asphalt Concrete	7	Dutra Materials	Richmond	UB						\$419,000									
Trucking	8	Monroe Trucking	Oakland	CB		\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	AA	\$80,000							
Project Subtotals:																			
This Contractor did not meet the 50% L/SLBE Goal and did not submit the GFE											\$80,000	5.07%	\$80,000	100%	\$1,578,746	100%	\$80,000	5%	0%

5% credit for LBE/SLBE Preference: No  
 5% credit for Joint Venture Preference: No  
 5% credit for Mentor Protégé Preference: No

Calculation Amount: X 5% =  
 If yes, 5% is added to the overall Total LBE percentage goal.

ADJUSTED LBE % TOTAL: ADJUSTED BID TOTAL: \$1,578,746

**GOALS:**  
 The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking contract amount.

**LEGEND:**

ALL LBE	All certified Local and Small Local Businesses	CB	Certified Business	NA	Native American
LBE	Local Business Enterprise	UB	Uncertified Business	C	Caucasian
SLBE	Small Local Business Enterprise	AA	African American	MBE	Minority Business Enterprise
LTRU	Local Trucking Businesses	H	Hispanic American	WBE	Woman Business Enterprise
		A	Asian American		

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_

C.M.S.



INTRODUCED BY COUNCIL MEMBER **2003 OCT 2 PM 1:48**

Requires two-thirds vote of the Council

**Resolution Authorizing Award of a Construction Contract to Gallagher and Burk, Inc. for Rehabilitation of Certain Streets in the City of Oakland by the Overlay Method between the Dates of September 1, 2003 and August 31, 2004, in the Amount of \$1,241,832.40 (Project No. C17180)**

**WHEREAS**, funding for street resurfacing has been appropriated in the fiscal year 2002-03 budget using a combination of Municipal Capital Improvement Program, Measure B (County Sales Tax Revenue), and State Traffic Relief Congestion funds; and

**WHEREAS**, on August 25, 2003, three bids were received by the Office of the City Clerk of the City of Oakland for the Resurfacing of Certain Streets in the City of Oakland by the Overlay Method, between the dates of September 1, 2003 and August 31, 2004 (Project C17180); and

**WHEREAS**, Gallagher & Burk, Inc. is the lowest responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in Fund 5500, Org. 92480, Account 57411, Project C17180, Fund 2141, Org. 92480, Account 57411, Project C173230, and Fund 2166, Org. 92246, Account 57411, Project G217420 for the construction work; and

**WHEREAS**, the engineer's estimate for the work is \$1,463,462; 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 safety and economy; and

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

**WHEREAS** That the performance of the services by contract is in the public interest because of economy or performance, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it,

**RESOLVED:** That the contract for the Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Between the Dates of September 1, 2003 and August 31, 2004 (Project No. C17180) is hereby awarded to **Gallagher & Burk, Inc.**, in accordance with the terms of its bid therefore, dated August 25, 2003 in the amount of One Million, Two Hundred and Forty One Thousand Eight Hundred and Thirty Two and 40/100 Dollars (\$1,241,832.40); and, be it

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**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$620,916, 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, \$1,241,832, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Manager is hereby directed to enter into a contract with **Gallagher & Burk, Inc.** on behalf of the City of Oakland and to execute any 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 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; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California