

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

2010 JUN 10 PM 1:28

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community & Economic Development Agency  
DATE: June 22, 2010

RE: **Resolution Awarding The Contract For Construction of Various Streets And Roads And Preventive Maintenance (Project No. C388010) To Gallagher & Burk, Inc., The Lowest, Responsive, Responsible Bidder, In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of One Million One Hundred Forty- Four Thousand Four Hundred Ninety-Eight Dollars And Ninety-Five Cents (\$1,144,498.95)**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$1,144,498.95 to Gallagher and Burk, Inc., for Various Streets and Roads Preventive Maintenance (Project C388010). 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 the American Recovery and Reinvestment Act (ARRA) Local Streets and Roads (LSR). This grant is part of ARRA's State Element-LS&R (Local Streets and Roads) System Preservation Projects. Arterial streets that meet Federal Aid Urban (FAU) eligibility requirements were selected for this project. The ARRA Program requires that this project be awarded by June 30, 2010 to be eligible for funding.

**FISCAL IMPACT**

There are sufficient funds in the project budget for the work. The engineer's estimate for the construction work is \$1,326,459.00 and the construction contract will be in the amount of \$1,144,498.95.

Funding for this street resurfacing project is from the ARRA grant and was approved and appropriated by City Council on June 16, 2009. Funding for this work is available in the following project accounts:

- Metro Transportation Commission (ARRA) Fund (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C388010.

Item: \_\_\_\_\_  
Public Works Committee  
June 22, 2010

Federal funds for this project are limited to the streets approved in the original grant, all of which must be either arterial or collector streets, 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 street resurfacing treatment when a street is in relatively fair condition rather than a significantly more costly reconstruction treatment when a street is in poor condition.

## BACKGROUND

On April 1, 2010, the City Clerk received four bids for the project. The bids ranged from \$1,144,498.95 to \$1,644,686.18. Gallagher and Burk, Inc. submitted the lowest responsible bid in the amount of \$1,144,498.95. A summary of the bids is shown on *Attachment B*.

Department of Transportation guidelines are used to administer this project. There will be race conscious Underutilized Disadvantaged Business Enterprise (UDBE) participation of 4.0 percent, which exceeds federal race conscious UDBE requirements of 3.95 percent for this project. The UDBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

While Oakland's LBE/SLBE programs cannot be applied to this project, Gallagher and Burk, Inc. has the highest LBE participation at 38.5%.

The proposed work consists of resurfacing about 7.1 centerline miles (about 37.4 lane miles) of City streets, as shown in *Attachment A*. The project includes: crack sealing, Asphalt Concrete (AC) base repair; slurry sealing; replacement of traffic striping, pavement markers, and pavement markings; and other related work indicated on the plans and specifications.

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 Urban (FAU) 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 ARRA funding; and
- c. Street selection is based on the City's 5-Year 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, which would impact the planned street rehabilitation. Streets selected for rehabilitation under this contract do not have any planned utility upgrades.

## **KEY ISSUES AND IMPACTS**

This federal grant has an award deadline of June 30, 2010.

Construction work is anticipated to begin in September 2010, weather permitting, and will be completed by September 2011. The contract specifies \$1,400.00 in liquidated damages per calendar day if the contract completion time of 250 working days is exceeded. The project schedule is included in *Attachment B*.

**Job Creation:** It is estimated that this project will create 5 additional jobs for one year.

**Transparency:** Under ARRA requirements, the City will provide monthly updates of project and contractor information, DBE information, and labor reporting for posting on the ARRA website. ARRA reporting information can be accessed at the City's Economic Stimulus Website ([www.oaklandstimulus.com](http://www.oaklandstimulus.com)) or the federal ARRA website ([www.recovery.gov](http://www.recovery.gov)).

## **EVALUATION OF PAST PERFORMANCE**

The Contractor Performance Evaluation (Schedule L-2) for Gallagher and Burk, Inc. is not available for past projects. The City currently has three 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 UDBEs have an opportunity to participate in the performance of this contract. For this contract, the UDBE participation is 4.0 percent. While the LBE/SLBE programs do not apply to this contract, the prime contractor, concrete sub-contractor, and trucking firms are local businesses, and have achieved 38.5% local participation.

**Environmental:** 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 preventive 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 \$1,144,498.95 for Various Streets and Roads Preventive Maintenance (Project No. C388010). Gallagher and Burk, Inc. has met the Underutilized 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,

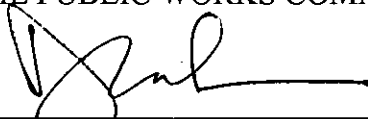


Walter S. Cohen, Director  
Community and Economic Development Agency

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

Prepared by:  
Allen Law, 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  
June 22, 2010

*Attachment A*

*Various Streets & Roads Preventive Maintenance  
(Project No. C388010)*

**Project Location List**

<b>Street Name</b>	<b>Begin Location</b>	<b>End Location</b>	<b>Length in Miles</b>
Broadway	Embarcadero	Hwy 580	1.87
Foothill Blvd.	23 <sup>rd</sup> Ave	Seminary Ave	2.75
M L King Way	Embarcadero	W Grand Ave.	1.03
San Pablo Ave.	16 <sup>th</sup> St.	36 <sup>th</sup> St.	1.45
		<b>TOTAL</b>	<b>7.1 Miles</b>

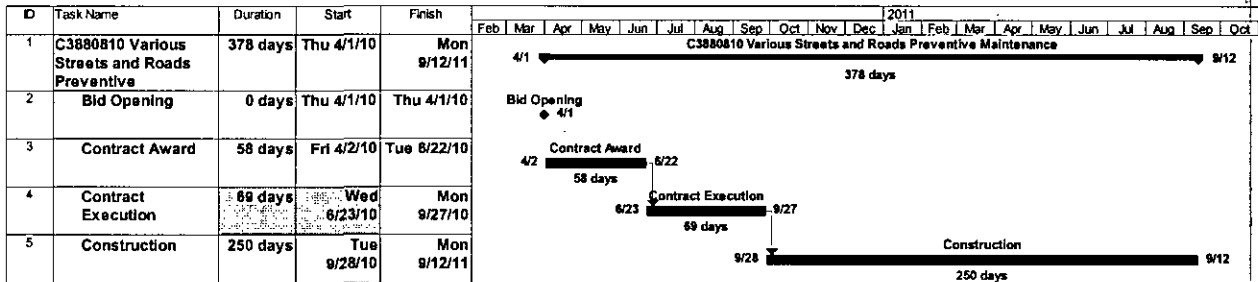
**Attachment B**

**Various Streets & Roads Preventive Maintenance  
(Project No. C388010)**

**List of Bidders**

Company	Location	Bid Amount
Gallagher & Burk	Oakland	\$1,144,498.95
Graham Construction, Inc.	Union City	\$1,499,999.99
Bay Cities Paving & Grading	Concord	\$1,620,765.80
Interstate Grading & Paving, Inc.	San Francisco	\$1,644,686.18

**Project Construction Schedule**



*Attachment C*

*Various Streets & Roads Preventive Maintenance  
(Project No. C388010)*

**Department of Contracting and Purchasing  
Compliance Evaluation**



# Memo

## Department of Contracting and Purchasing

Social Equity Division

To: Jimmy Mach, Assistant Engineer  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes - DC P Director  
 Shelley Darensburg - Senior Contract Compliance Officer *S. Darensburg*  
 CC: Gwen McCormick - Contract Administrator Supervisor  
 Date: April 22, 2010  
 Re: C388010- Various Streets & Roads Preventive Maintenance – RC UDBE Project

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed four (4) bids in response to the above referenced project. This project is funded by Caltrans and subject to the Race Conscious Underutilized Disadvantaged Business Enterprise Program (RCUDBE). Below is the outcome of the compliance evaluation for the RCUDBE goal and for informational purposes only a review of Local and Small Local Business Enterprise (L/SLBE) participation. Also included is a preliminary review for compliance with the Equal Benefits Ordinance (EBO). The RCUDBE goal for this project is 3.95%.

Responsive		Proposed Participation					Earned Credits and Discounts				
Company Name	Original Bid Amount	RC UDBE Total	RN DBE Total	LBE	SLBE	Trucking	Total Credited	Earned Bid Discounts	Adjusted Bid Amount	Banked Credits	EBO Compliant?
Gallagher & Burk	\$1,144,498.95	4.0%	0%	38.5%	3.9%	3.1%	NA	NA	NA	NA	Y
Graham Construction, Inc.	\$1,499,999.99	4.0%	23.3%	0%	0%	3.3%	NA	NA	NA	NA	N
Bay Cities Paving & Grading	\$1,620,765.80	4.2%	1.9%	0%	4.2%	4.2%	NA	NA	NA	NA	Y
Interstate Grading & Paving, Inc.	\$1,644,686.18	4.0%	0%	4.0%	0%	4.0%	NA	NA	NA	NA	N

**Comments:** As noted above, all firms met or exceeded the RCUDBE goal of 3.95%. Both Gallagher & Burk and Bay Cities Paving & Grading are EBO compliant. Graham Construction and Interstate Grading & Paving, Inc. will have to come into compliance prior to award.



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

**Comments:** There were no non-responsive firms.

**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	D	E	F	G	H	I	J			
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

**Comments:** The Local Employment Program (LEP) and Apprenticeship Programs are not applicable. This is a RC UDBE project.

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



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C388010

**PROJECT NAME:** Various Streets and Roads Preventive Maintenance

**CONTRACTOR:** Gallagher & Burk

**Engineer's Estimate:**

\$1,326,459.00

**Contractors' Bid Amount**

\$1,144,498.95

**Over/Under Engineer's Estimate**

\$181,960.05

**Discounted Bid Amount:**

N/A

**Amt. of Bid Discount**

N/A

**Discount Points:**

N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.95% **YES**
  - a) % of RC UDBE participation **4.0%**
  - b) % of RN DBE participation **0.0%**
  - c) % of LBE participation **38.5%**
  - d) % of SLBE participation **3.9%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **3.1%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

7. Date evaluation completed and returned to Contract 4/22/2010

**Reviewing Officer:**

*Vivian [Signature]*

**Date:** 4/22/2010

**Approved By:** *Shelley [Signature]*

**Date:** 4/22/2010

## UDBE Participation Bidder 1

Project Name: Various Streets and Roads Preventive Maintenance													
Project No.: C388010		Engineer's Est. \$1,326,459.00					Under/Over Engineer's Est. 181,960.05						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Gallagher & Burk	Oakland	UB	440,828.95		440,828.95			440,828.95	C			
Crack Seak	Bond Blacktop	Union City	UB						26,000.00	C			
Microsurfacing (Partial)	Bond Blacktop	Union City	UB						282,000.00	C			
Striping (Partial)	Riley's Striping	Union City	UB						249,680.00	C			
Trucking (Partial)	Williams Trucking	Oakland	CB		45,000.00	45,000.00		45,000.00	45,000.00	AA		45,000.00	
Aggregate for Micro Surfa	George Reed	Jamestown	UB						100,000.00	C			
Water Pollution Program	S. Kwok Engineers	Alameda	CB					990.00	990.00	AP		990.00	
<b>Project Totals</b>				\$440,828.95	\$45,000.00	\$485,828.95	\$0.00	\$45,990.00	\$1,144,498.95		\$0.00	\$45,990.00	\$0.00
				38.5%	3.9%	42.4%	0%	4%	100%		0%	4%	0%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AJ = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise						Need Good Faith			



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C388010

**PROJECT NAME:** Various Streets and Roads Preventive Maintenance



**CONTRACTOR:** Graham Construction, Inc.

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$1,326,459.00	\$1,499,999.99	-\$173,540.99

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



- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.95% **YES**
  - a) % of RC UDBE participation **4.0%**
  - b) % of RN DBE participation **23.3%**
  - c) % of LBE participation **0.0%**
  - d) % of SLBE participation **0.0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **3.3%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

7. Date evaluation completed and returned to Contract 4/22/2010

**Reviewing Officer:**

*Vivian Juma*

**Date:** 4/22/2010

**Approved By:**

*Shelley Oarsenlung*

**Date:** 4/22/2010

# UDBE Participation

## Bidder 2

Project Name: Various Streets and Roads Preventive Maintenance

Project No.: C388010		Engineer's Est. \$1,326,459.00				Under/Over Engineer's Est. -\$173,540.99				Certified DBE/WBE			
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethn.	DBE	RC UDBE	WBE
PRIME	Graham Contractors, Inc.	San Jose	UB						211,999.99	C			
Traffic Control	KRC Safety	Vista Linda	CB					60,000.00	60,000.00	NA		60,000.00	
Asphalt Emulsion	Reed & Graham	San Jose	UB						200,000.00	C			
Micro Agg	Granite Rock	Aromas	UB						77,000.00	C			
Striping	Chrip Company	Fremont	UB						365,000.00	C			
Asphalt Repair	ABSL	Hayward	UB				350,000.00		350,000.00	H			
Asphalt Concrete	Hanson	Berkeley	UB						186,000.00	C			
A/G Trucking	L.S. Trucking	Hayward	UB						50,000.00	C			
<b>Project Totals</b>				\$0.00	\$0.00	\$0.00	\$350,000.00	\$60,000.00	\$1,499,999.99		\$0.00	\$60,000.00	\$0.00
				0.0%	0.0%	0.0%	23.3%	4.0%	100.0%		0.0%	4.0%	0.0%
										Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C388010

**PROJECT NAME:** Various Streets and Roads Preventive Maintenance

**CONTRACTOR:** Bay Cities Paving & Grading

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$1,326,459.00	\$1,620,765.80	-\$294,306.80

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

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.95% **YES**
  - a) % of RC UDBE participation **4.2%**
  - b) % of RC DBE participation **1.9%**
  - b) % of LBE participation **0.0%**
  - c) % of SLBE participation **4.2%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **4.2%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract **4/22/2010**

**Reviewing Officer:**

*Vitala Juma*

**Date:** 4/22/2010

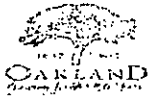
**Approved By:**

*Shelley Darenburg*

**Date:** 4/22/2010

## UDBE Participation Bidder 3

Project Name: Various Streets and Roads Preventive Maintenance														
Project No.: C388010		Engineer's Est. \$1,326,459.00					Under/Over Engineer's Est. -\$294,306.80							
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
										Ethn.	DBE	RC UDBE	WBE	
PRIME	Bay Cities Paving & Grading, Inc.	Oakland	UB						193,076.80	C				
Trucking	Monroe's Trucking	Oakland	CB		68,840.00	68,840.00		68,840.00	68,840.00	AA		68,840.00		
Supplier-AC	Hanson	Berkeley	UB						180,045.00	C				
Crack Seal	Rubberized Crack Filler Sealant	Fullerton	UB						33,618.00	C				
Microsurfacing	American Asphalt	Hayward	UB						749,545.00	C				
Striping	Chrisp Co.	Fremont	UB						365,641.00	C				
Grinding	ABSL Construction	Hayward	UB				30,000.00		30,000.00	H				
<b>Project Totals</b>				\$0.00	\$68,840.00	\$68,840.00	\$30,000.00	\$68,840.00	\$1,620,765.80		\$0.00	\$68,840.00	\$0.00	
				0.0%	4.2%	4.2%	1.9%	4.2%	100.0%		0.0%	4.2%	0.0%	
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b>				UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise										



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

**PROJECT NO.:** C388010

**PROJECT NAME:** Various Streets and Roads Preventive Maintenance

**CONTRACTOR:** Interstate Paving & Grading

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$1,326,459.00	\$1,644,686.18	-\$318,227.18

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

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.95% **YES**
  - a) % of RC UDBE participation **4.0%**
  - b) % of RN DBE participation **0.0%**
  - c) % of LBE participation **4.0%**
  - d) % of SLBE participation **0.0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **0.0%**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract **4/22/2010**

**Reviewing Officer:**

*Vivian Jim*

**Date:** 4/22/2010

**Approved By:**

*Shelley Darenburg*

**Date:** 4/22/2010



## UDBE Participation Bidder 4

Project Name: Various Streets and Roads Preventive Maintenance													
Project No.: C388010		Engineer's Est. \$1,326,469.00						Under/Over Engineer's Est. -318,227.18					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Interstate Grading & Paving, Inc.	So. San Francisco	UB						313,804.41				
Trucking & AC (Partial)	Dillard Environmental	Oakland	CB	66,000.00		66,000.00		66,000.00	66,000.00			66,000.00	66,000.00
Striping	Riley's	Union City	UB						322,720.05				
Micro	American Asphalt	Hayward	UB						749,544.72				
Crack	RCSL	Fullerton	UB						33,617.00				
Asphalt Supply	Hanson	Berkeley	UB						159,000.00				
<b>Project Totals</b>				\$66,000.00	\$0.00	\$66,000.00	\$0.00	\$66,000.00	\$1,644,686.18		\$0.00	\$66,000.00	\$66,000.00
				4.0%	0.0%	4.0%	0.0%	4.0%	100.0%		0.0%	4.0%	4.0%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>										UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise			

Local Agency Bidder - UDBE Commitment (Construction Contracts), Exhibit 15-G(1)

*Rec'd. 4/12/10 w/Attachments*

NOTE: PLEASE REFER TO INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM

AGENCY: City of Oakland LOCATION: Citywide  
 PROJECT DESCRIPTION: AC base repair; crack sealing; Type III Micro-Surfacing; Type II Micro-surfacing; traffic striping; pavement markings.  
 TOTAL CONTRACT AMOUNT: \$ 1,144,498.95  
 BID DATE: 4/1/10  
 BIDDER'S NAME: GALLAGHER & BURK, INC.  
 CONTRACT RACE-CONSCIOUS UDBE GOAL: 3.95%

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	Cert. No. of UDBE AND EXPIRATION DATE	NAME OF UDBEs (Must be certified on the date bids are opened - include UDBE address and phone number)	DOLLAR AMOUNT UDBE
1(P)	PREPARE WATER POLLUTION CONTROL PROGRAM (PARTIAL)	CT-37060	S KWOK ENGINEERS 1815 CORNELL DR. ALAMEDA, CA 94501 (510) 220-9017	\$990.00
7(P)	TRUCKING (PARTIAL)	CT-47	WILLIAMS TRUCKING 10420 GREENVIEW DR. OAKLAND, CA 94605 (510) 568-3495	\$45,000.00

**For Local Agency to Complete:**

Local Agency Contract Number: C388010  
 Federal Aid Project Number: ESPL-5012(101)  
 Federal Share: \_\_\_\_\_  
 Contract Award Date: \_\_\_\_\_

Local Agency certifies that all information is complete and accurate.

Vivian Inman Vivian Inman 4/12/10  
 Print Name Signature Date  
 Local Agency Representative  
570-238-6261  
 (Area Code) Telephone Number.

Total Claimed Participation \$ 45,990.00  
4.02 %

David Desilva  
 Signature of Bidder DAVID DESILVA  
 PRESIDENT  
 (510) 261-0466  
 Date (Area Code) Tel. No.

**For Caltrans Review:**

Print Name Signature Date  
 Caltrans District Local Assistance Engineer

JACKIE DAVOS  
 Person to Contact (Please Type or Print)

Local Agency Bidder - UDBE Commitment (Rev 3/09)

- Distribution: (1) Copy - Fax or scan a copy to the Caltrans District Local Assistance Engineer (DLAE) within 15 days of award. Failure to send a copy to the DLAE within 15 days of award may result in de-obligation of funds for this project.  
 (2) Copy - Include in award package to Caltrans District Local Assistance  
 (3) Original - Local agency files

**Local Agency Bidder- DBE Information (Construction Contracts), Exhibit 15-G(2)**

(Inclusive of all DBEs including the UDBEs listed at bid proposal)

**NOTE: PLEASE REFER TO INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM**

AGENCY: City of Oakland LOCATION: Citywide

PROJECT DESCRIPTION: AC base repair, crack sealing, Type III Micro-Surfacing, Type II Micro-surfacing, traffic striping, pavement markings.

TOTAL CONTRACT AMOUNT: \$ 1,144,498.95 BID DATE: 4/1/10

BIDDER'S NAME: GALLAGHER & BURK, INC.

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	DBE Cert. No. AND EXPIRATION DATE	NAME OF DBEs (Must be certified on the date bids are opened - include DBE address and phone number)	DOLLAR AMOUNT DBE
1(P)	PREPARE WATER POLLUTION CONTROL PROGRAM (PARTIAL)	CT-37060	S KWOK ENGINEERS 1815 CORNELL DR. ALAMEDA, CA 94501 (510) 220-9017	\$990.00
7(P)	TRUCKING (PARTIAL)	CT-47	WILLIAMS TRUCKING 10420 GREENVIEW DR. OAKLAND, CA 94605 (510) 568-3495	\$45,000.00

**For Local Agency to Complete:**

Local Agency Contract Number: C388010

Federal Aid Project Number: ESPL-5012(101)

Federal Share: \_\_\_\_\_

Contract Award Date: \_\_\_\_\_

Total Claimed Participation	\$ <u>45,990.00</u>
	<u>4.02</u> %

Local Agency certifies that the DBE certification(s) has been verified and all information is complete and accurate.

Vivian Inman Vivian Inman 4/12/10  
 Print Name Signature Date

Local Agency Representative  
510-238-6261  
 (Area Code) Telephone Number.

David Desilva  
 Signature of Bidder DAVID DESILVA  
 PRESIDENT  
 (510) 261-0466  
 Date (Area Code) Tel. No.

JACKIE DAVOS  
 Person to Contact (Please Type or Print)

**For Caltrans Review:**

\_\_\_\_\_  
 Print Name Signature Date  
 Caltrans District Local Assistance Engineer

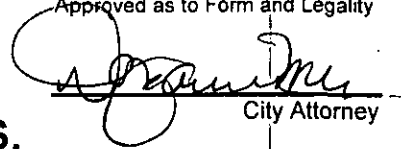
Local Agency Bidder DBE Information (Rev 3/09)

- Distribution: (1) Copy - Fax or scan a copy to the Caltrans District Local Assistance Engineer (DLAE) within 15 days of contract execution. Failure to send a copy to the DLAE within 15 days of contract execution may result in de-obligation of funds for this project.  
 (2) Copy - Include in award package to Caltrans District Local Assistance  
 (3) Original - Local agency files

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

2010 JUN 10 PH 1:29

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

**RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF VARIOUS STREETS AND ROADS AND PREVENTIVE MAINTENANCE (PROJECT NO. C388010) TO GALLAGHER & BURK, INC., THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID THEREFOR IN THE AMOUNT OF ONE MILLION ONE HUNDRED FORTY-FOUR THOUSAND FOUR HUNDRED NINETY- EIGHT DOLLARS AND NINETY-FIVE CENTS (\$1,144,498.95)**

**WHEREAS**, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) grant, and the Metropolitan Transportation Commission Program Grant (2163) funding for the ARRA grant was approved and appropriated by City Council on June 16, 2009, per Resolution No. 82094 C.M.S.; and

**WHEREAS**, this grant money will be moved to Fund 2606, a new fund established for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA funds; and

**WHEREAS**, there are sufficient funds in the project budget for the work and funding for this work is available in the following project account: Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C388010; and

**WHEREAS**, this federal grant has a construction award deadline of June 30, 2010; and

**WHEREAS**, on April 1st, 2010, four bids were received by the Office of the City Clerk of the City of Oakland for Various Streets and Roads Preventive Maintenance (Project No. C388010), the Engineer's Estimate for the work is \$1,326,434.80 and Gallagher & Burk, Inc., is the lowest responsible, responsive bidder for the project, with a bid of \$1,144,498.95; and

**WHEREAS**, the ARRA grant requires contractors to meet federal Underutilized Disadvantaged Business Enterprise (UDBE) program requirements and Gallagher & Burk, Inc. meets these requirements; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary repairs and 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 this contract is professional, scientific or technical and temporary in nature and 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 Urban (FAU) 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 FAU 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 Various Streets and Roads Resurfacing (Project No. C388010) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the contractor's bid therefore, dated April 1, 2010 in the amount of One Million One Hundred Forty Four Thousand Four Hundred Ninety Eight Dollars And Ninety-Five Cents (\$1,144,498.95); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$1,144,498.95, 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, \$1,144,498.95, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of CEDA 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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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