

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

To: Office of the City Manager
Attn: Deborah Edgerly
From: Public Works Agency
Date: March 23, 2004

Council District: All
2004 MAR 23 PM 1:47

Re: RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. ACCORDING TO THE SPECIFICATIONS FOR RESURFACING OF CERTAIN STREETS IN THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 (PROJECT NO. C234930) IN THE AMOUNT OF \$3,992,388.50

SUMMARY

Staff recommends Council approval of a resolution authorizing the City Manager to award a construction contract to Gallagher and Burk, Inc. for the resurfacing of certain streets in the City of Oakland for Fiscal Year 2003-2004 (Project No. C234930) in the amount of \$3,992,388.50.

FISCAL IMPACT

The engineer's estimate for the construction work is \$4,439,298.00 and the construction contract will be in the amount of \$3,992,388.50. Funding comes from Measure B Alameda County Transportation Improvement Authority (ACTIA). Sufficient funds are available for the construction work in Fund 2211, Organization 92480, Account 57411, and Project C234930. Funds have set aside for Contract Compliance and will be transferred into Fund 2211, Organization 92480, Account 56918, and Project C234930 upon award. The 1.5 percent assessment for public art was not allowed as part of this grant.

BACKGROUND

On January 5, 2004, the City Clerk received four bids for the project as shown on *Attachment A*. The project consists of the resurfacing of approximately 15 centerline miles of streets. The streets scheduled to be resurfaced are shown on *Attachment B*. These streets were selected using the City's Pavement Management System. The Pavement Management System ranks streets by their Pavement Condition Index (PCI). The pavement management system then determines the most appropriate and cost effective way to manage the pavement network using a constrained budget.

This project is funded by a one-time \$4 million allocation from Measure B (ACTIA) funds which were approved by Alameda County voters in November 2000 when they reauthorized the countywide ½ cent sales tax for transportation.

Item: 7
Public Works Committee
March 23, 2004

KEY ISSUES AND IMPACTS

Construction work is scheduled to begin in April 2004 and will be completed by June 2005. The contract specifies \$500 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*.

For this project, bidders were required to meet ACTIA’s LBE/SLBE goals rather than the City’s LBE/SLBE program goals. ACTIA’s goals are sixty percent Local Business Enterprise of which twenty percent must be Small Local Business Enterprise. Gallagher and Burk, Inc. was the lowest responsible bidder that met ACTIA’s LBE/SLBE goals at the bid opening date. Their SLBE participation is 20.2% and the LBE participation is 79.7%. The total LBE/SLBE participation level is 100%. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Manager’s Office and is shown in *Attachment C*.

The lowest bidder, McGuire and Hester was 1.6% short of ACTIA’s SLBE goals. ACTIA reviewed McGuire’s Good Faith Efforts and determined that McGuire did not meet ACTIA’s requirements. After bids were submitted, a non-certified Union City/Fremont firm listed on McGuire’s bid began certification proceedings with ACTIA. This project was bid with the requirement that all firms to be included in assessing compliance with ACTIA’s LBE/SLBE goals must be certified prior to bid opening. Therefore, McGuire and Hester was deemed non-responsive. The table below shows a comparison of the two lowest bidders and the LBE/SLBE percentages.

	McGuire and Hester	Gallagher and Burk, Inc.
Bid Amount	\$3,928,797	\$3,992,389
SLBE Participation	18.5	20.2
LBE Participation	78.6	79.7
Total Participation	97.1	100

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Prevailing wages offer a livable wage rate for workers and can contribute to an increased quality of life. The \$3,992,389 of funds from this contract will turn over in the community and help to stimulate the economic base.

Environmental: New asphalt pavement contains as much as 15% recycled asphalt. This project also uses rubberized asphalt on certain streets. A two-inch rubberized asphalt overlay contains approximately 2,000 tires per lane-mile. It is estimated that over 35,000 recycled tires will be used for this project.

Social Equity: ACTIA’s goals reflect the social equity policies of the City of Oakland whereby the inclusion of small local firms and Oakland residents are afforded access to contracting and employment opportunities. The City uses a pavement management system to

determine which streets are candidates for repairs. Resurfacing is based on each street's pavement condition index (PCI).

DISABILITY AND SENIOR CITIZEN ACCESS

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

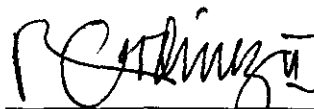
RECOMMENDATION AND RATIONALE

It is recommended that the City Manager be authorized to award a construction contract to Gallagher and Burk, Inc., according to the specification requirements, for the resurfacing of certain streets in the City of Oakland for Fiscal Year 2003-2004 (Project No. C234930) in the amount of \$3,992,388.50. Gallagher and Burk, Inc. was the lowest responsible, responsive bidder as it met all of ACTIA's LBE/SLBE requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



RAUL GODINEZ
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: 7
Public Works Committee
March 23, 2004

Attachment A

Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004

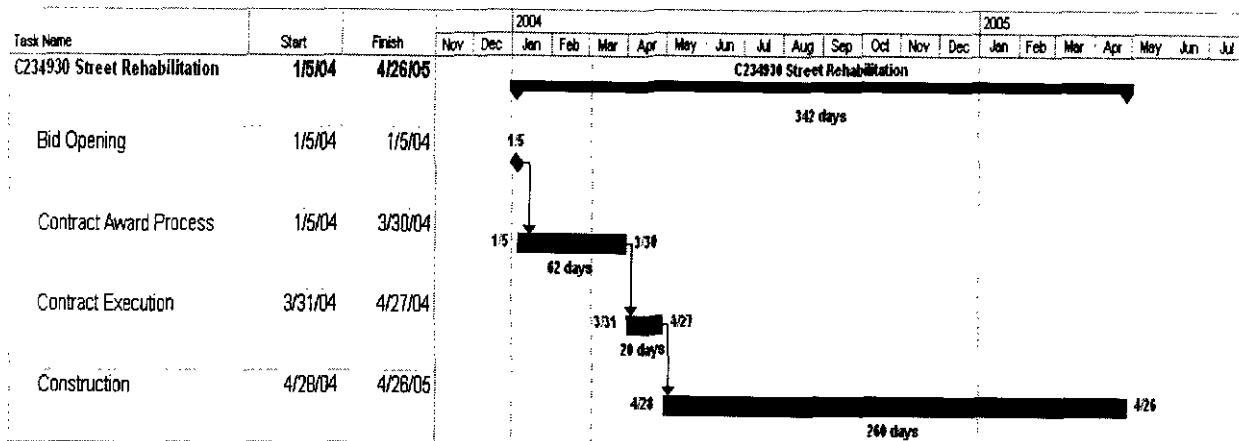
(Project C234930)

List of Bidders

Company	Status	Location	Bid Amount
McGuire & Hester	Local Business	Oakland	\$ 3,928,797
Gallagher & Burk, Inc.*	Local Business	Oakland	\$ 3,992,389
Granite Construction Company	Uncertified	Watsonville	\$ 4,300,482
Ghilotti Construction Company	Uncertified	Santa Rosa	\$ 4,313,384

*Lowest Responsible Bidder that met the LBE/SLBE Goals

Project Schedule



Attachment B
Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004
Pavement Resurfacing Locations

	STREET	FROM	TO	RESURFACING METHOD	AREA (SY)	DIST
1	11TH ST	BROADWAY	MADISON ST	2" MILL & 2" RUBBER	16,618	2
2	12TH AV	E 8TH ST	E 20TH ST	1 1/2" OVERLAY	9,270	2
3	13TH ST	BROADWAY	FALLON ST	1 1/2" OVERLAY	15,098	2
4	17TH AV	E 19TH ST	E 24TH ST	1 1/2" OVERLAY	8,120	2
5	29TH ST	HARRISON ST	TELEGRAPH AV	1 1/2" OVERLAY	10,274	3
6	3RD ST	OAK ST	LINDEN ST	1 1/2" OVERLAY	34,944	3
7	41ST ST	42ND ST	TELEGRAPH AV	1 1/2" OVERLAY	1,544	1
8	41ST ST	BROADWAY	TELEGRAPH AV	1 1/2" OVERLAY	9,312	1
9	42ND ST	ML KING WY	CITY LIMIT	1 1/2" OVERLAY	8,967	1
10	52ND ST	MARKET ST	WEST ST	1 1/2" OVERLAY	4,001	1
11	5TH ST	OAK ST	HARRISON ST	2" MILL & FILL	8,048	3
12	82ND AV	MACARTHUR BL	SUNKIST DR	1 1/2" OVERLAY	7,627	6
13	BOSTON AV	MACARTHUR BL	BRIDGE	1 1/2" OVERLAY	2,037	4
14	BOSTON AV	MACARTHUR BL	EAST END	1 1/2" OVERLAY	1,580	4
15	BRUNS CT	LA SALLE AV	NORTH END	2" MILL & FILL	1,544	4
16	BULLARD DR	ESTATES DR	ESTATES DR	1 1/2" OVERLAY	5,240	4
17	CHELTON DR	ELDERBERRY DR	EXTER DR	2" MILL & FILL	1,237	4
18	COOLIDGE AV	BROOKDALE AV	MACARTHUR BV	2" MILL & 2" RUBBER	10,003	4 & 5
19	DONNA WY	ELYSIAN FIELDS	ELYSIAN FIELDS	1 1/2" OVERLAY	5,636	7
20	DORAN DR	AITKEN DR	BANNING DR	1 1/2" OVERLAY	1,320	4
21	E 17TH ST	FRUITVALE AV	NORTH END	1 1/2" OVERLAY	2,273	5
22	E 18TH ST	FRUITVALE AV	NORTH END	1 1/2" OVERLAY	980	5
23	EDES AV	HEGENBERGER RD	85TH AV	1 1/2" OVERLAY / 2" MILL & FILL	10,168	7
24	EL DORADO AV	FAIRMOUNT AV	BAYO VISTA AV	1 1/2" OVERLAY	3,512	1
25	FOOTHILL BL	35TH AV	HIGH ST	2" RUBBER OVERLAY	15,751	5
26	FOOTHILL BL	FRUITVALE AV	35TH AV	2" RUBBER OVERLAY	5,249	5
27	FOOTHILL BL	HIGH ST	55TH AV	2" RUBBER OVERLAY	27,912	5 & 6
28	FOX HILL CT	PEBBLE BEACH CT	EAST END	1 1/2" OVERLAY	838	7
29	GOLF LINKS RD	FONTAINE ST	98TH AV	2" RUBBER OVERLAY	9,147	7
30	GRASS VALLEY RD	SKYLINE BL	GOLF LINKS RD	1 1/2" OVERLAY	8,600	7
31	HADDON RD	PARK BL	HILLGIRT CIR	1 1/2" OVERLAY	9,152	2
32	HERRIER ST	NORTON AV	VICTOR AV	1 1/2" OVERLAY	3,524	4
33	HOLLY ST	70TH AV	90TH AV	1 1/2" OVERLAY	19,868	6 & 7
34	LAS VEGAS AV	98TH AV	WEST END	2" MILL & FILL	1,543	7
35	LEE ST	GRAND AV	VAN BUREN AV	1 1/2" OVERLAY	2,478	3
36	REDWOOD RD	CRESTMONT DR	SKYLINE BL	2" MILL & 2" RUBBER	12,739	4 & 6

Item: _____
Public Works Committee
March 23, 2004

	STREET	FROM	TO	RESURFACING METHOD	AREA (SY)	DIST
37	REDWOOD RD	HWY 13	CRESTMONT DR	2" MILL & 2" RUBBER	22,517	4 & 6
38	SHEPHERD CYN RD	SKYLINE BL	AITKEN DR	2" MILL & 2" RUBBER	3,893	4
39	SONOMA WAY	20TH AV	SOUTH END	1 1/2" OVERLAY	1,394	2
40	STEARNS AV	9555 STEARNS AV	BURR ST	1 1/2" OVERLAY	768	7
41	VALE AV	BAYO ST	HARBORD VIEW DR	1 1/2" OVERLAY	3,817	4
42	WELLINGTON ST	PARK BL	CANNON AV	2" MILL & FILL	4,556	5
43	WOODLAND PL	BROADWAY TERR	SOUTH END	2" MILL & FILL	734	1
44	YORK ST	PRINCE ST	MANDANA BL	2" MILL & FILL	2,194	2

Item: _____
Public Works Committee
March 23, 2004

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

Memorandum

Date: January 23, 2004

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

To: Gwen McCormick , PWA Contract Administration Supervisor

Regarding: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004 - Project# C234930 with Alameda County Transportation Improvement Authority (ACTIA) goals.

Contract Compliance & Employment Services reviewed three of the lowest bids for the above referenced project. Maguire & Hester the low bidder did not meet the L/SLBE ACTIA goal and did not meet the good faith effort defined by ACTIA. Gallagher & Burk the second lowest bidder met the L/SLBE ACTIA goal and Granite posted 9.7 percent SLBE only and did not meet the L/SLBE ACTIA goal as listed below:

Company Name	LBE	SLBE	Total
McGuire & Hester	78.6%	18.5%	97.1%
Gallagher & Burk	79.7%	20.2%	100%
Granite Construction	0%	9.7%	9.7%

CC: Attachments

7
PUBLIC WORKS CMTE.
MAR 23 2004

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER



Attachment C

Contract Compliance Evaluation Form

Project No.: C234930

Project Name: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004

Bid Opening Date: 1/5/2004

Engineer Estimate: \$4,439,298

Contractor: McGuire & Hester

Contractor's bid amount: \$3,928,797

5% credit for LBE/SLBE Preference: <input type="checkbox"/>	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/>	Calculation Amount.: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/>	If yes, 5% is added to the overall Total LBE percentage goal.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: \$3,928,797

1. Did the Contractor meet the LBE/SLBE goals? No
 - a) % of LBE participation 78.68%
 - b) % of SLBE participation 18.53%
2. Did the Contractor meet the Trucking goal? NA (Trucking goal not specified by ACTIA)
 - a) % of local trucking participation 100%
3. 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.)
Alameda County Transportation Improvement Authority (ACTIA) provided the Good Faith Effort review. See attached.

4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 1/22/2004
5. Is the contractor in compliance with all LBE/SLBE requirements? No (If no, explain below)
Good Faith Effort was unsatisfactory.

Reviewing Officer: _____

Date: 1/22/2004

Approved By: Deborah Barnes

Date: 1/22/04

LBE/SLBE PARTICIPATION

Lowest Bidder

Project Name: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004
 Project No.: C234930
 Engineer Estimate: \$1,439,298
 Bid Amount: \$3,928,797
 Difference: <\$510,501>

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	\$1,450,271		\$1,450,271		\$1,450,271.40				
Concrete	2	Vanguard Construction	Oakland	CB	\$216,756	\$216,756	\$216,756		\$216,756.00				
Shipping	3	Shipping Express	Oakland	CB	\$97,350	\$97,350	\$97,350		\$97,350.00				
Raise Whites	4	Union City Construction	Fremont	UB					\$109,420.00				
Asphalt	5	Data Material	San Rafael	CB	\$1,641,000		\$1,641,000		\$1,641,000.00				
Trucking	6	Monroe's Trucking	Oakland	CB	\$414,000	\$414,000	\$414,000	\$414,000	\$414,000.00		AA		\$414,000

Called LCCC, they are not certified with anyone as a slave

Subtotals: \$3,091,271 78.68% \$278,106 18.53% \$2,178,377 55.45% \$414,000 100% \$414,000 100% \$3,928,797 100% \$14,000 10.53% 0%

5% credit for LBE/SLBE Preference:

5% credit for Joint Venture Preference:

5% credit for Mentor Protégé Preference:

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

ADJUSTED BID TOTAL: \$3,928,797

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
- LTBU Local Trucking Businesses
- NA Native American
- HA Hispanic American
- WBE Woman Business Enterprise
- MBE Minority Business Enterprise
- C Caucasion
- UB Uncertified Business
- AA African American
- H Hispanic American
- A Asian American

Attachment C



CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER

Attachment C
Contract Compliance Evaluation Form

Project No.: C234930

Project Name: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004

Bid Opening Date: 1/5/2004

Engineer Estimate: \$4,439,298


Contractor: Gallagher & Burk, Inc.

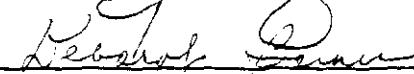
Contractor's bid amount: \$3,992,989

5% credit for LBE/SLBE Preference: <input type="checkbox"/>	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/>	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/>	If yes, 5% is added to the overall Total LBE percentage goal.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: \$3,992,989

- Did the Contractor meet the LBE/SLBE goals? Yes
 - % of LBE participation 79.71%
 - % of SLBE participation 20.29%
 - Did the Contractor meet the Trucking goal? NA (Trucking Goals not specified as ACTA goal)
 - % of local trucking participation 100%
- If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements? NA
(If no, explain reasons for failure to meet GFE.)

- Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 1/23/2004
- Is the contractor in compliance with all LBE/SLBE requirements? Yes (If no, explain below)

Reviewing Officer:  Date: 1/23/2004

Approved By:  Date: _____

LBE/SLBE PARTICIPATION

2nd Bidder

Project Name: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004

Engineer Estimate: \$4,439,298

Bid Amount: \$3,992,989

Project No.: C234930

Difference: <\$446,310>

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	\$3,182,989		\$3,182,989			\$3,182,989			
Striping	2	Striping Express	Oakland	CB		\$100,000	\$100,000			\$100,000	AA	\$100,000	
Concrete	3	AJV	Oakland	CB		\$210,000	\$210,000			\$210,000	H	\$210,000	
Trucking	4	Monroe Trucking	Oakland	CB		\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	AA	\$250,000	
Trucking	5	William's Trucking	Oakland	CB		\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	AA	\$150,000	
Trucking	6	Ola's Trucking	Oakland	CB		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	AA	\$100,000	
Project Subtotals:					\$3,182,989 79.71%	\$810,000 20.29%	\$3,992,989 100.00%	\$500,000 100%	\$500,000 100%	\$3,992,989 100%		\$810,000 20%	0%

Attachment C

5% credit for LBE/SLBE Preference:	<input type="text"/>	5% of the TOTAL BID Amount:	=	
5% credit for Joint Venture Preference:	<input type="text"/>	Calculation Amount: X 5% =		
5% credit for Mentor Protégé Preference:	<input type="text"/>	If yes, 5% is added to the overall Total LBE percentage goal.		
ADJUSTED LBE % TOTAL:				
ADJUSTED BID TOTAL:				\$3,992,989

<p>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.</p>	<p>LEGEND:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">ALL LBE</td> <td style="width: 33%;">All certified Local and Small Local Businesses</td> <td style="width: 33%;">CB</td> <td>Certified Business</td> <td>NA</td> <td>Native American</td> </tr> <tr> <td>LBE</td> <td>Local Business Enterprise</td> <td>UB</td> <td>Uncertified Business</td> <td>C</td> <td>Caucasian</td> </tr> <tr> <td>SLBE</td> <td>Small Local Business Enterprise</td> <td>AA</td> <td>African American</td> <td>MBE</td> <td>Minority Business Enterprise</td> </tr> <tr> <td>LTRU</td> <td>Local Trucking Businesses</td> <td>H</td> <td>Hispanic American</td> <td>WBE</td> <td>Woman Business Enterprise</td> </tr> <tr> <td></td> <td></td> <td>A</td> <td>Asian American</td> <td></td> <td></td> </tr> </table>	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		
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																												



CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER

Attachment C

Contract Compliance Evaluation Form

Project No.: C234930

Project Name: Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004

Bid Opening Date: 1/5/2004

Engineer Estimate: \$4,439,298

Contractor: Granite Construction

Contractor's bid amount: \$4,300,482

5% credit for LBE/SLBE Preference: <input type="checkbox"/>	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/>	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/>	If yes, 5% is added to the overall Total LBE percentage goal.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: <u>\$4,300,482</u>

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

a) % of LBE participation 0.00%

b) % of SLBE participation 9.79%

2. Did the Contractor meet the Trucking goal? NA

a) % of local trucking participation 100%

3. 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.) *Trucking goal not specified by ACTIS goal*


Contractor did not submit a good faith effort.

4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 1/23/2004

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


Contractor did not submit a good faith effort.

Reviewing Officer:



Date: 1/23/2004

Approved By:



Date: 1/23/2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____

C.M.S.

OFFICE OF THE CITY CLERK
RECEIVED

2004 MAR 11 PM 1:47

Requires two-thirds vote of the Council

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. ACCORDING TO THE SPECIFICATIONS FOR RESURFACING OF CERTAIN STREETS IN THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 (PROJECT NO. C234930) IN THE AMOUNT OF \$3,992,388.50

WHEREAS, funding for street resurfacing has been appropriated in the fiscal year 2003-04 budget using Measure B Alameda County Transportation Improvement Authority ("ACTIA") funds; and

WHEREAS, on January 5, 2004, four 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 for Fiscal Year 2003-2004 (Project No. C234930); and,

WHEREAS, **Gallagher & Burk, Inc.** is the lowest responsible bidder for the project that met the local/ small local business enterprise goals at bid opening; and

WHEREAS, there are sufficient funds in Fund 2211, Org. 92480, Account 57411, Project C234930, for the construction work; and

WHEREAS, the engineer's estimate for the work is \$4,439,298.00; and

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

WHEREAS, 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 findings and determinations set forth in the Public Works Agency Director's report accompanying this resolution are hereby adopted; and, be it

FURTHER RESOLVED: That the City Manager is hereby authorized to award the contract for the Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004 (Project No. C234930) to **Gallagher & Burk, Inc.**, in accordance with the published specifications for said project and terms of contractor's bid therefore, dated January 5, 2004 in the amount of three million, nine hundred ninety two thousand, three hundred eighty eight and 50/100 Dollars (\$3,992,388.50); and, be it

7
PUBLIC WORKS CMTE.

MAR 23 2004

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,996,194, 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, \$3,992,388, with respect to such work are hereby approved; and, be it

FURTHER RESOLVED: That the City Manager is hereby authorized to enter into a contract with **Gallagher & 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 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.

320555

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-

ATTEST: _____

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

7
PUBLIC WORKS CMTE.

MAR 23 2004