

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 PM 1:09

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: September 15, 2009

RE: **Resolution Awarding A Construction Contract To Gallagher & Burk, Inc., For Various Streets And Roads Resurfacing (Project No. C376410) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Three Million Eighty-Five Thousand Nine Hundred Fifty-Five Dollars And Fifty Cents (\$3,085,955.50)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$3,085,955.50 to Gallagher and Burk, Inc., for Various Streets and Roads Resurfacing (Project C376410). 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) 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 \$4,150,000.00 and the construction contract will be in the amount of \$3,085,955.50.

Funding for this street resurfacing project is from the ARRA LSR grant and was approved and appropriated by City Council on March 31, 2009, C.M.S. Resolution No. 81892 and C.M.S. Resolution No. 81893. This grant money will be moved to Fund 2606, a new fund established to account for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA Funds. 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. C376410.

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September 15, 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 street resurfacing treatment when a street is in relatively fair condition rather than a significantly more costly reconstruction treatment when a street is in relatively poor condition.

BACKGROUND

On July 9, 2009, the City Clerk received five bids for the project. The bids ranged from \$3,085,955.50 to \$4,079,410.95. Gallagher and Burk, Inc., submitted the lowest responsible bid in the amount of \$3,085,955.50. 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 \$140,000.00 (4.54 %), which exceeds federal race conscious UDBE requirements of 4.18% 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*.

The proposed work consists of resurfacing about 5.57 centerline miles (about 24.34 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.

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 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, that would impact the planned street rehabilitation.

KEY ISSUES AND IMPACTS

This federal grant has a construction award deadline of September 30, 2009.

Construction work is anticipated to begin in February 2010, weather permitting, and will be completed by January 2011. The contract specifies \$2,700.00 in liquidated damages per calendar day if the contract completion time of 250 working days is exceeded. The project schedule is shown on *Attachment B*.

Job Creation: It is estimated that this project will create 14 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) or the federal ARRA website (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 4.54 percent. While the LBE/SLBE programs do not apply to this contract, the prime contractor, concrete sub-contractor, and trucking firms are local businesses.

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.

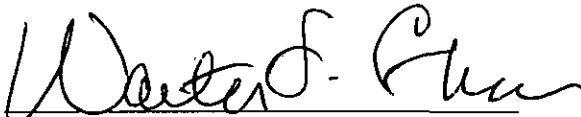
RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to Gallagher and Burk, Inc., in the amount of \$3,085,955.50 for Various Streets and Roads Resurfacing (Project No. C376410). 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:
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
September 15, 2009

Attachment A

**VARIOUS STREETS AND ROADS RESURFACING
PROJECT No. C376410
FEDERAL PROJECT No. ESPL-5012(099)**

List of Streets

Street Name	Begin Location	End Location	Length (LF)	Area (SY)	PCI
98th Avenue	Stanley Avenue	Thermal Street	1,550	11,841	69
Adeline Street	W Grand Ave	36th Street	4,315	24,744	66
Beaumont Avenue	East 38th Street	East 31st Street	1,466	12,824	53
Claremont Avenue	Hudson Street	City Limit	3,518	23,013	59
Foothill Boulevard	14th Avenue	Lakeshore Avenue	4,549	20,115	55
Keller Avenue	Mountain Boulevard	Rilea Way	1,776	12,701	50
MacArthur Boulevard	Millsview Avenue	Enos Avenue	2,515	15,625	47
San Leandro Street	53rd Avenue	Seminary Street	2,000	11,086	46
Santa Clara Avenue	Grand Avenue	Harrison Street	3,774	18,276	50
Stanford Avenue South	San Pablo Avenue	Market Street	2,499	9,097	67
West Grand Avenue	Market Street	San Pablo Avenue	1,463	12,061	49

TOTAL: 29,425 171,383
CENTERLINE MILES: 5.57
LANE MILES: 24.34

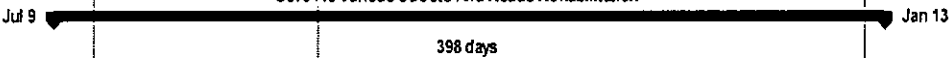

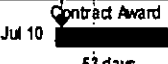
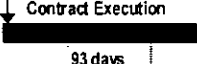

Attachment B

**VARIOUS STREETS AND ROADS RESURFACING
PROJECT No. C376410
FEDERAL PROJECT No. ESPL-5012(099)**

List of Bidders

Company	Location	Bid Amount
Gallagher and Burk, Inc.	Oakland	\$3,085,955.50
Top Grade Construction, Inc.	Livermore	\$3,444,564.70
Ghilotti Brothers, Inc.	San Rafael	\$3,737,203.50
Synergy Project Management, Inc.	San Francisco	\$3,998,500.00
McGuire and Hester	Oakland	\$4,069,410.95

Project Schedule

ID	Task Name	Duration	Start	Finish	2009												2010											
					Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
1	C376410 Various Streets And Roads Rehabilitation	398 days	7/9/09	1/13/11	C376410 Various Streets And Roads Rehabilitation Jul 9  Jan 13 398 days																							
2	Bid Opening	1 day	7/9/09	7/9/09	Bid Opening Jul 9 																							
3	Contract Award	53 days	7/10/09	9/22/09	Contract Award Jul 10  Sep 22 53 days																							
4	Contract Execution	93 days	9/24/09	1/31/10	Contract Execution Sep 24  Jan 31 93 days																							
5	Construction	250 days	2/1/10	1/13/11	Construction Feb 1  Jan 13 250 days																							

Attachment C

**VARIOUS STREETS AND ROADS RESURFACING
PROJECT No. C376410
FEDERAL PROJECT No. ESPL-5012(099)**

Contract Compliance

Memo

Department of Contracting and Purchasing
Social Equity Division



To: Tawfic Halaby, Civil 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: July 29, 2009
 Re: C376410 - Various Streets & Roads Rehabilitation - FEDERAL ECONOMIC STIMULUS PROJECT

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 Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 4.18% for this project.

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		
Gallagher & Burk	\$3,085,955.50	4.54%	NA	NA	NA	NA	NA	NA	NA	Y
Top Grade Construction	\$3,444,564.70	4.69%	NA	NA	NA	NA	NA	NA	NA	Y

Comments: As noted, all of the above firms met or exceeded the minimum 20% L/SLBE participation requirements. All firms are EBO compliant.

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		
Ghilotti Bros.	\$3,737,203.50	2.81%	NA	NA	NA	NA	NA	NA	NA	Y
Synergy Project Management	\$3,998,500	4.38%	NA	NA	NA	NA	NA	NA	NA	Y
McGuire & Hester	\$4,069,410.95	8.46%	NA	NA	NA	NA	NA	NA	NA	Y

Comments: As noted above Ghilotti Bros failed to meet the 4.18% UDBE participation goal and bidder's Good Faith Effort (GFE) was not sufficient. Synergy Project Management and McGuire & Hester met the UDBE participation goal however, their bid was deemed nonresponsive due to clerical errors. All bidders are EBO compliant.

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

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	NA

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is 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.: C376410

PROJECT NAME: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT



CONTRACTOR: Gallagher & Burk

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$4,150,000	\$3,085,955.50	\$1,064,045

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
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 4.18% **YES**
 - a) % of RC UDBE participation **4.54%**
 - 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? **NA**
 - a) Total trucking participation **5%**
- 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 **7/29/2009**

Reviewing Officer:

Vivian K

Date: 7/29/2009

Approved By:

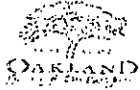
Shelley Sorenburg

Date: 7/29/2009

UDBE Participation Bidder 1

Project Name: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376410		Engineer's Est. 4,150,000		Under/Over Engineer's Est. 1,064,044.50						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Gallagher & Burk	Oakland	UB			2,145,956	C			
Concrete	AJW Construction	Oakland	UB			550,000	H			
Striping	Chrisp Co.	Fremont	UB			100,000	C			
Trucking (Partial)	Williams Trucking	Oakland	CB		140,000	140,000	AA		140,000	
Trucking (Partial)	Double D. Transportation	Oakland	UB			60,000	C			
Tack Coat	Kents Oil Service	Stockton	UB			50,000	C			
Survey	Cunha Engineering	Pinole	UB			40,000	C			
Project Totals						\$140,000		\$0.00	\$140,000	\$0.00
						4.54%		0.00%	4.54%	0.00%
				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			
Legend		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.: C376410

PROJECT NAME: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: Top Grade Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$4,150,000	\$3,444,564.70	\$705,435

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

- 1. Did the RC UDBE Program apply? **YES**
 - b) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 4.18% **YES**
 - a) % of RC UDBE participation **4.69%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **4.69%**
- 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 7/29/2009

Reviewing Officer:

Vivian [Signature]

Date: 7/29/2009

Approved By:

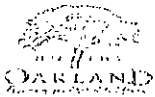
Shelley Oarensburg

Date: 7/29/2009

UDBE Participation Bidder 2

Project Name: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376410		Engineer's Est. 4,150,000		Under/Over Engineer's Est. 705,435.30						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Top Grade Construction	Livermore	UB			1,326,444	C			
Striping	Chrisp Co.	Fremont	UB			93,489	NL			
Surveying	Cunna Engineering	Pinole	UB			41,950	NL			
Trucking	CJC Trucking	Oakland	CB		161,468	161,468	AA		161,468	
Concrete Repair	JJR Construction	San Mateo	UB			471,989	NL			
Adjust Utilities	EI Camino Paving	Sunnyvale	UB			34,875	NL			
Asphalt supplier	Volcano Materials	Pleasanton	UB			1,314,350	NL			
Project Totals						\$161,468 4.69%			\$161,468 4.69%	
				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			
Legend	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.: C376410

PROJECT NAME: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: Ghilotti Bros, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$4,150,000	<u>\$3,737,203.50</u>	\$412,797

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

- 1. Did the RC UDBE Program apply? **YES**
 - b) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 4.18% **NO**
 - a) % of RC UDBE participation **2.81%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE)-Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **3%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

Bidder failed to meet the 4.18% UDBE goal and bidder's Good Faith Effort (GFE) was insufficient.

7. Date evaluation completed and returned to Contract 7/29/2009

Reviewing Officer: *Umar In*

Date: 7/29/2009

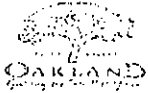
Approved By: *Shelley Darenburg*

Date: 7/29/2009

UDBE Participation Bidder 3

Project Name: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376410		Engineer's Est.	4,150,000		Under/Over Engineer's Est.		412,796.50			
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Ghilotti Bros, Inc.	San Rafael	UB			1,825,203.50	C			
Raise Iron	Ujunion City	Fremont	UB			50,000	C			
Concrete Supply	Cemex	Concord	UB			40,000	H			
Concrete Supply	Central Concrete	San Jose	UB			40,000	C			
Striping	Chrisp co.	Fremont	UB			103,000	C			
Trucking(Partial)	CJC Trucking	Oakland	CB		90,000	90,000	AA		90,000	
Trucking(Partial)	S&S Trucking	San Francisco	UB	74,000		74,000	H	74,000		
Trucking(Partial)	Economy Trucking	Union City	UB		15,000	15,000	AA		15,000	15,000
AC Supply	Hanson	Berkeley	UB			1,500,000.00	C			
Project Totals					\$74,000	\$105,000		\$74,000	\$105,000	\$15,000
					1.98%	2.81%		2%	2.81%	0.40%
				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			
Legend		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.: C376410

PROJECT NAME: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT



CONTRACTOR: Synergy Project Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,150,000	\$3,998,500	\$151,500

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
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 4.18% **YES**
 - a) % of RC UDBE participation **4.38%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

Contractor met the RC UDBE goal of 4.18% however, they were deemed nonresponsive due to clerical errors.

7. Date evaluation completed and returned to Contract **7/29/2009**

Reviewing Officer:

Date: **7/29/2009**

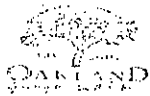
Approved By:

Date: **7/29/2009**

UDBE Participation Bidder 4

Project Name: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376410		Engineer's Est. 4,150,000		Under/Over Engineer's Est. 151,500.00						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Synergy Project Management, Inc.	San Francisco	UB			973,500	C			
Trucking	J. Higgins Trucking	San Francisco	CB		175,000	175,000	C			175,000
Paving	O'Grady Paving	Mountainview	UB			2,750,000	NL			
Striping	Chrisp Co.	Fremont	UB			100,000				
Project Totals						\$175,000		\$0	\$0	\$175,000
						4.38%		0%	0.00%	4.38%
				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			
Legend		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.: C376410

PROJECT NAME: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: McGuire & Hester

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$4,150,000	\$4,069,410.95	\$80,589

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

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 4.18% **YES**
 - a) % of RC UDBE participation **8.48%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
Contractor met the RC UDBE goal of 4.18% however, they were deemed nonresponsive due to clerical errors.

7. Date evaluation completed and returned to Contract 7/29/2009

Reviewing Officer:

Date: 7/29/2009

Approved By:

Date: 7/29/2009

UDBE Participation Bidder 5

Project Name: Various Streets & Roads Rehabilitation Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376410		Engineer's Est. 4,150,000		Under/Over Engineer's Est. 80,589.05		Certified DBE/WBE				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethn.	DBE	RC UDBE	WBE
							PRIME	McGuire & Hester	Oakland	UB
Striping	Chrisp Co.	Fremont	UB			103,878	C			
Concrete	Cemex	Oakland	UB			42,500	NL			
AC	Dutra Material	Richmond	UB			1,566,000	NL			
Trucking	SIJ Trucking	Newark	CB		345,000	345,000	C			345,000
Project Totals				\$0	345,000	\$4,069,410.95		\$0.00	\$0.00	\$345,000
				0.00%	8.48%	100%		0%	0%	8.48%
				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			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise						

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2009 SEP -3 PM 1:10 RESOLUTION NO. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., FOR VARIOUS STREETS AND ROADS RESURFACING (PROJECT NO. C376410) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED THREE MILLION EIGHTY-FIVE THOUSAND NINE HUNDRED FIFTY-FIVE DOLLARS AND FIFTY CENTS (\$3,085,955.50)

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) Local Streets and Roads (LSR) grant and the Metropolitan Transportation Commission Program Grant (2163) funding for the ARRA LSR grant was approved and appropriated by City Council on March 31, 2009, Resolution No. 81892 and Resolution No. 81893; 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 accounts: Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C376410; and

WHEREAS, this federal grant has a construction award deadline of September 30, 2009; and

WHEREAS, on July 9th, 2009, five bids were received by the Office of the City Clerk of the City of Oakland for Various Streets and Roads Resurfacing (Project No. C376410), and Gallagher & Burk, Inc., is the lowest responsible bidder for the project and has met the federal Underutilized Disadvantaged Business Enterprise (UDBE) requirements; and

WHEREAS, the Engineer's Estimate for the work is \$4,150,000.00; and

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

WHEREAS, the City Administrator represents that this contract is technical and temporary in nature, that the performance of this contract is in the public interest because of the economy and 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 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, only Federal Aid System (FAS) eligible streets may be selected for this project and 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. C376410) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the contractor's bid therefore, dated July 9, 2009 in the amount of three million, eighty-five thousand, nine hundred fifty-five dollars and fifty cents (\$3,085,955.50); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$3,085,955.50, 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, \$3,085,955.50, with respect to work cover one hundred percent (100%) of the contract price and 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, based on City Administrator representations, the City Council finds and determines that this contract is technical and temporary in nature, performance of this contract is in the public interest because of the economy and 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

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute the contract with Gallagher and Burk, Inc. as well as change orders, amendments, extensions or modifications of said contract, 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 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 the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 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