

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2007 OCT 11 PM 2:13

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: October 23, 2007

**RE: Resolution Authorizing Award Of A Construction Contract To Gallagher And Burk, Inc. For FY 06-07 Citywide Street Resurfacing And Slurry Sealing Project (C234910) For The Amount Of Four Million Three Hundred Sixty-Six Thousand Four Hundred Seventy Dollars (\$4,366,470.00)**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$4,366,470.00 to Gallagher and Burk, Inc. for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910). The work to be completed under this project is part of the City's Street Resurfacing Program. The work is located in all Council Districts and *Attachment A* lists the streets that will be rehabilitated as part of this project.

This project meets the Mayor/Council Goals and Citywide Objective to **Build Community and Foster Livable Neighborhoods** by providing for clean, well-maintained and accessible streets and sidewalks.

Staff recommends that City Council approve the resolution.

**FISCAL IMPACTS**

The engineer's estimate for the construction work is \$4,367,965.00 and the construction contract will be in the amount of \$4,366,470.00.

Funding for this street resurfacing and slurry sealing project has been appropriated in FY 03-05, FY 05-07 and FY 07-08 budgets using a combination of funds from Measure B – ACTIA (FY 03-04 and FY 05-06), Traffic Safety (FY 05-06), General Purpose (FY 06-07), State Traffic Relief Congestion funds (FY 06-07), ACTIA Reimbursable Grants (FY 05-06), Metropolitan Transportation Commission – TDA (FY 05-06), and Proposition 1B California Transportation Bond (FY 07-08).

There are sufficient funds in the project budget for the work as shown in the following project accounts:

- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C234910; \$100,000.00

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- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269610; \$1,207,000.00
- Traffic Safety (2416); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269620; \$675,000.00
- General Purpose (1010); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C293110; \$320,000.00
- State Traffic Congestion Relief - Proposition 42 Fund (2141); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C173240; \$1,000,000.00
- ACTIA Reimbursable Grants (2214); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project G282310; \$150,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289210; \$24,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289220; \$135,000
- Proposition 1B California Transportation Bond (2165); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C317610; \$755,470.00.

#### SUMMARY OF PROJECT FUNDING

FUND	ORG	ACCOUNT	PROJECT	PROGRAM	AMOUNT	PERCENT
2211	92480	57411	C234910	IN04	\$ 100,000.00	2.29%
2211	92480	57411	C269610	IN04	\$ 1,207,000.00	27.64%
2416	92480	57411	C269620	IN04	\$ 675,000.00	15.46%
1010	92480	57411	C293110	IN04	\$ 320,000.00	7.33%
2141	92480	57411	C173240	IN04	\$ 1,000,000.00	22.90%
2214	92246	57411	G282310	IN04	\$ 150,000.00	3.44%
2162	92246	57411	C289210	NB33	\$ 24,000.00	0.55%
2162	92246	54411	C289220	NB33	\$ 135,000.00	3.09%
2165	92480	57411	C317610	IN04	\$ 755,470.00	17.30%
<b>TOTAL</b>					<b>\$ 4,366,470.00</b>	<b>100.00%</b>

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## **BACKGROUND**

On September 17, 2007, the City Clerk received four bids for the project. The bids ranged from \$4,351,881.00 to \$4,803,452.00. Gallagher and Burk, Inc., with 5 percent bid credit for LBE/SLBE was determined to be the lowest responsive and responsible bid in the amount of \$4,366,470.00. A summary of the bids is shown on *Attachment B*.

Gallagher & Burk, Inc., met all the City's LBE/SLBE and local trucking program requirements. Under this contract, the SLBE participation is 27 percent, and LBE participation is 62 percent. The LBE/SLBE trucking participation level is 100 percent. The LBE/SLBE information at the time of bidding has been verified by the Contract Compliance Division of the City Manager's Office and is shown in *Attachment C*.

The project will rehabilitate streets by slurry sealing approximately 4.6 centerline miles (15.8 lane miles) and resurfacing approximately 6.6 centerline miles (18.1 lane miles) of City streets, as shown in *Attachment A*.

These streets were selected using data from the City's Pavement Management Program (PMP). The Pavement Management Program ranks streets by their Pavement Condition Index (PCI). The Pavement Management Program then determines the most appropriate and cost effective way to manage the pavement network using a constrained budget. This initial list of streets is then screened for sewer rehabilitation, gas and water replacement that would take place within the expected life of the rehabilitation work.

## **KEY ISSUES AND IMPACTS**

Construction work is scheduled to begin in November 2007 and will be completed by December 2009, contingent on weather. The contract specifies \$1,000 in liquidated damages per calendar day if the contract completion time of 260 working days is exceeded. The project schedule is shown on *Attachment B*.

## **PROJECT DESCRIPTION**

The proposed work consists of approximately 11.2 centerline miles of street improvements, including 121,466 square yards of pavement milling, 8,396 tons of Asphalt Concrete (AC) base repair, 14,803 tons of AC overlay, and 104,340 square yards of slurry sealing; repairs to adjacent concrete curbs, gutters, sidewalks, driveways; construction of 290 curb ramps; replacement of traffic striping, pavement markers and pavement markings; and other related work indicated on the plans and specifications. A portion of this project is dedicated to creating new bike lanes on West Street between W. MacArthur Blvd. to 52<sup>nd</sup> Street, Market Street between 18<sup>th</sup> Street to W. MacArthur Blvd., and on Bancroft Avenue between 66<sup>th</sup> Avenue to 83<sup>rd</sup> Avenue.

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## **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. For this contract, the total LBE/SLBE participation is 89 percent, with the prime contractor, concrete sub-contactor and trucking firms being local businesses.

Environmental: Recycled materials will be used in the concrete and asphalt construction materials to the extent possible. A portion of this project is dedicated to creating new bike lanes on West Street between W. MacArthur Blvd. to 52<sup>nd</sup> Street, Market Street between 18<sup>th</sup> Street to W. MacArthur Blvd, and on Bancroft Avenue between 66<sup>th</sup> Avenue to 83<sup>rd</sup> Avenue. Bike lanes encourage a more active lifestyle and promote the use of alternative transportation and reduce pollution due to automobile use.

Social Equity: Resurfacing of streets is based on street condition and ranking by City's Pavement Management Program (PMP).

## **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**

It is recommended that the construction contract be awarded to Gallagher and Burk, Inc., the lowest responsible bidder, in the amount of \$4,366,470.00 for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910). Gallagher and Burk, Inc. has complied with the LBE/SLBE and local trucking 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,



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Claudia Cappio,  
Development Director  
Community and Economic Development Agency

Reviewed by:  
Michael Neary, P.E.  
Deputy Director  
Community and Economic Development Agency  
Design & Construction Services Department

Prepared by:  
Gus Amirzehni, P.E.,  
Acting Principal Civil Engineer  
Engineering Design and Right-of-Way Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:



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Office of the City Administrator

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*Attachment A*

**CITYWIDE STREET RESURFACING AND SLURRY SEALING  
PROJECT NO. C234910**

**RESURFACING**

District	Street	From	To	Length (FT)	Area (SY)	PCI
1	West St	W MacArthur Blvd	52nd St	3,450	18,017	58
2	9th Ave	E 10th St	E 21st St	3,945	14,027	19
2	Brookwood Rd	Trestle Glen Rd	Trestle Glen Rd	942	1,989	0
3	27th St	San Pablo Ave	M L King Jr Way	1,100	8,556	18
4	Oakwood Dr	Sobrante Rd	Thomhill Dr	3,200	9,956	30
4	Joaquin Miller Rd (SB)	Hwy 13	Skyline Blvd	6,446	18,622	18
5	35th Ave	International Blvd	E 17th St	1,422	7,268	42
5	Gray St	Harrington Ave	35th Ave	694	2,313	61
6	Leona St	Rusting Ave	Mountain Blvd	3,952	10,978	24
6	Ridgemont Dr	South End	North End	3,007	10,692	44
6	Rusting Ave	Mountain Blvd	Leona St	320	924	4
7	Malcolm Ave	Hellman St	Snowdown Ave	3,548	14,192	56
7	Malcolm Ave	Snowdown Ave	Caloden St	2,400	8,000	41
7	Caloden St	Golf Links Rd	Malcolm Ave	570	1,900	16

**TOTAL: 34,996 127,432**  
**CENTERLINE MILES: 6.6**  
**LANE MILES: 18.1**

**SLURRY SEALING**

District	Street	From	To	Length (FT)	Area (SY)	PCI
1	57th St	M L King Jr Way	Genoa St	531	2,124	78
1	Monroe Ave	Carlton St	Broadway Terr	1,085	2,411	51
1	Monroe Ave	Broadway	Carlton St	318	1,166	72
1, 3	Market St	18th St	W MacArthur Blvd	6,260	38,951	74
2	Wawona Ave	Portal Ave	North End	531	1,770	57
4	California St	Silverwood Ave	35th Ave	439	1,366	78
5	La Cresta Ave	Everett Ave	E 38th St	1,643	4,746	58
6	Bancroft Ave	66th Ave	83rd Ave	5,680	24,344	89
6	Phaeton Dr	Hansom Dr	Hansom Dr	2,277	8,855	63
6	Ridgemont Ct	Ridgemont Dr	End	591	2,101	84
6	Shay Dr	Hansom Dr	Hansom Dr	1,323	5,292	67
7	90th Ave	Bancroft Ave	Plymouth St	1,719	11,651	76
7	Dante Ave	106th Ave	99th Ave	1,879	6,263	76

**TOTAL: 24,276 111,041**  
**CENTERLINE MILES: 4.6**  
**LANE MILES: 15.8**

**Notes:**

1. One lane mile is equivalent to an area equal to a 12-foot wide lane that is one mile (5,280 ft) long or equivalent to 7,040 square yards (SY).
2. Pavement Condition Index (PCI) ranks street condition on a scale of 100 to 0 (where 100 corresponds to a brand new street and 0 corresponds to completely failed street).

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**Attachment B**

**Citywide Street Resurfacing  
(Project C234910)**

**List of Bidders**

Company	DBE Status	Location	Bid Amount
MCK Services, Inc.	Uncertified	Concord	\$ 4,351,881.00
Gallagher and Burk, Inc. *	Certified	Oakland	\$ 4,366,470.00
Bay Cities Paving & Grading	Certified	Oakland	\$ 4,377,969.00
McGuire and Hester	Certified	Oakland	\$ 4,803,452.00

\* lowest responsible bidder after applying 5% bid credit.

**Project Schedule**

Task Name	Duration	Start	Finish	2007												2008											
				M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
C234910 Citywide Street Resurfacing and Slurry Sealing	327 days	9/17/07	12/16/08																								
Bid Opening	1 day	9/17/07	9/17/07																								
Contract Award	36 days	9/18/07	11/6/07																								
Contract Execution	30 days	11/7/07	12/18/07																								
Construction	260 days	12/19/07	12/16/08																								

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# Memo

## Department of Contracting and Purchasing (DC&P)

Division of Social Equity

**To:** Gwen McCormick - Contract Administrator Supervisor  
**From:** Shelley Darensburg - Acting Senior Contract Compliance Officer  
**Through:** Deborah Barnes, Manager DC&P *Deborah Barnes*  
**CC:** Jaime Heredia  
**Date:** October 4, 2007  
**Re:** Citywide Street Resurfacing and Slurry Sealing For Fiscal Year 2006-2007

The Department of Contracting and Purchasing (DC&P)-- Division of Social Equity reviewed four (4) bids received in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business, Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Gallagher & Burk	\$4,366,470	89%	62%	27%	100%	54%	\$4,148,147	5%	0%	YES
Bay Cities Paving & Grading	\$4,377,969	57%	30%	27%	100%	57%	\$4,159,070	5%	0%	YES
MCK Service, Inc.	\$4,351,881	33%	33%	0%	100%	33%	\$4,221,325	3%	0%	YES

**Comments:** As noted above, Gallagher & Burk emerged as the lowest responsible bidder and Bay Cities Paving & Grading emerged as the second lowest responsible bidder due to the five percent (5%) bid discount earned by both bidders. Gallagher & Burk and Bay Cities Paving & Grading exceed the minimum 20% L/SLBE requirement. MCK Service, Inc. exceeded the 20% minimum requirement. All firms listed above are EBO compliant.

NON-RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Bid Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
McGuire and Hester	\$4,803,452	88%	81%	7%	100%	0%	N/A	0%	0%	Y

**Comments:** As noted above, McGuire and Hester did not meet the minimum 20% L/SLBE participation requirement. McGuire & Hester is non-responsive as it relates to the 20% L/SLBE Program.



**For Informational Purposes:**

**50% Local Employment Program(LEP)/15% Oakland Apprenticeship Program**

The numbers listed below show total project hours; LEP hiring goal; actual resident employment; actual Oakland apprentice work hours; the 15% Apprenticeship utilization goal; and difference between the 15% Apprenticeship utilization goal and actual hours worked by Oakland apprentices.

Company Name	Total Hours	Resident Hours	LEP Goal Hours	Oakland Apprentice Hours	15% Apprentice Utilization Goal	15% Apprentice Shortfall
Gallagher & Burk	900	372*	450	24.5-**	135.0	110.5
	100%	41%	50%	2.72%	15%	12.28%

\*Actual employment met LEP goal (372 hrs on project and 78 hours on non-City of Oakland funded project(s).

\*\* Actual employment met 15% Apprenticeship goal (24.5 hrs on project and 168.75 on non-City funded project(s). Hours on non-City funded project reflect application of penalty.

Should you have any questions or need additional information, please contact Shelley Darensburg 238-7325.



**DEPARTMENT OF CONTRACTING AND PURCHASING**  
**Social Equity Division**

**PROJECT EVALUATION FORM**

PROJECT NO. C234910

PROJECT NAME: Citywide Street Resurfacing and Slurry Sealing For Fiscal Year 2006-2007

**CONTRACTOR:** Gallagher & Burk

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,367,965	\$4,366,470	\$1,494.80
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$4,148,147	\$218,324	5%

1. Did the 20% requirements apply? Yes
  
2. Did the contractor meet the 20% requirement Yes
  - a) % of LBE participation 62%
  
  - b) % of SLBE participation 27%
  
3. Did the Trucking requirement apply? Yes
  
4. Did the contractor meet the Trucking requirement? Yes
  - a) Total trucking participation 100%
  
5. Did the contractor receive bid discounts? Yes  
 (If yes, list the percentage received) 5%
  
6. Additional Comments.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept.

10/4/2007

Date

Reviewing Officer:

Shelley Darenburg

Date: 10/4/07

Approved By

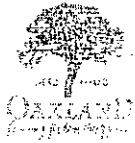
Detrol Barnes

Date: 10/4/07

## LBE/SLBE Participation Bidder 1

Project Name: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

Project No.: C234910		Engineers Est: \$4,367,965				Under/Over Engineers Estimate: 1,494.80						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
<b>PRIME</b>	Gallagher & Burk	Oakland	CB	2,716,470		2,716,470			2,716,470	C		
Concrete	AJW Construction	Oakland	CB		900,000	900,000			900,000	H	900,000	
Slurry Seal	Bond Blacktop	Union City	UB						150,000	C		
Striping	Riley's Striping	Union City	UB						300,000	C		
Trucking	Williams Trucking	Oakland	CB		300,000	300,000	300,000	300,000	300,000	AA	300,000	
Stripe & Signage												
<b>Project Totals</b>				\$2,716,470	\$1,200,000	\$3,916,470	\$300,000	\$300,000	\$4,366,470		\$1,200,000	\$0.00
				62%	27%	90%	100%	100%	100%		27%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								



**DEPARTMENT OF CONTRACTING AND PURCHASING**  
**Social Equity Division**  
**PROJECT EVALUATION FORM**

PROJECT NO. C234910

PROJECT NAME: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

**CONTRACTOR:** Bay Cities Paving & Grading Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,367,965	\$4,377,968.55	(\$10,004)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$4,159,070	\$218,898	5%

1. Did the 20% requirements apply? Yes
  
2. Did the contractor meet the 20% requirement Yes
  - a) % of LBE participation 30%
  - b) % of SLBE participation 27%
  
3. Did the Trucking requirement apply? Yes
4. Did the contractor meet the Trucking requirement? Yes
  - a) Total trucking participation 100%
  
5. Did the contractor receive bid discounts? Yes  
 (If yes, list the percentage received) 5%
  
6. Additional Comments.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept.

10/4/2007

Date

Reviewing Officer:

Shelley Darsenburg

Date: 10/4/07

Approved By

Deborah Barnes

Date: 10/4/07

## LBE/SLBE Participation Bidder 2

Project Name: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

Project No.: C234910		Engineers Est: \$4,377,969				Under/Over Engineers Estimate: 0.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
<b>PRIME</b>	Bay Cities Paving & Grading	Oakland	CB	1,332,703.55		1,332,703.55			1,332,703.55	C		
Striping	Chrisp Co.	Fremont	UB						394,579	NL		
Concrete	AJW Construction	Oakland	CB		928,426	928,426			928,426	H		
Trucking	CJC Trucking	Oakland	CB		270,117	270,117	270,117	270,117	270,117	AA		
AC Supplier	Hanson Aggregates	Berkeley	UB						1,192,767	C		
Monument Ref.	BKF Engineers	Walnut Creek	UB						64,900	C		
Slurry/Crack Sealing	Bond Blacktop	Union City	UB						194,476	C		
<b>Project Totals</b>				\$1,332,704	\$1,198,543	\$2,531,247	\$270,117	\$270,117	\$4,377,968.55		\$0	\$0.00
				30%	27%	58%	100%	100%	100%		0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>	LBE = Local Business Enterprise			UB = Uncertified Business								
	SLBE = Small Local Business Enterprise			CB = Certified Business								
	Total LBE/SLBE = All Certified Local and Small Local Businesses			MBE = Minority Business Enterprise								
	NPLBE = NonProfit Local Business Enterprise			WBE = Women Business Enterprise								
	NPSLBE = NonProfit Small Local Business Enterprise											



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division  
PROJECT EVALUATION FORM**

PROJECT NO. C234910

PROJECT NAME: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

**CONTRACTOR:** McGuire and Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,367,965	\$4,803,452	(\$435,487)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$4,563,279	\$240,173	5%

1. Did the 20% requirements apply? Yes
2. Did the contractor meet the 20% requirement No
  - a) % of LBE participation 81%
  - b) % of SLBE participation 7%
3. Did the Trucking requirement apply? Yes
4. Did the contractor meet the Trucking requirement? Yes
  - a) Total trucking participation 100%
5. Did the contractor receive bid discounts? No  
(If yes, list the percentage received) 0%
6. Additional Comments.  
**Bidder failed to meet the minimum 20% L/SLBE participation requirement and is deemed non-responsive.**
7. Date evaluation completed and returned to Contract Admin./Initiating Dept.

10/4/2007

Date

Reviewing  
Officer:

Shelley Darenburg

Date: 10/4/07

Approved By

Robert Barker

Date: 10/4/07

## LBE/SLBE Participation Bidder 4

Project Name: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

Project No.: C234910		Engineers Est: \$4,377,969				Under/Over Engineers Estimate: -425,483.15						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Slurry Seal/Crack	McGuire and Hester Bond Blacktop	Oakland	CB	3,911,976.70		3,911,976.70			3,911,976.70	C		
		Union City	UB							194,475	NL	
Striping Trucking Trucking Trucking	Chrisp Company Williams Trucking Monroe Trucking S&S Trucking	Fremont	CB						382,000	NL		
		Oakland	CB		105,000	105,000	105,000	105,000	105,000	AA	105,000	
		Oakland	CB		105,000	105,000	105,000	105,000	105,000	AA	105,000	
		Oakland	CB		105,000	105,000	105,000	105,000	105,000	AA	105,000	
<b>Project Totals</b>				\$3,911,977	\$315,000	\$4,226,977	\$315,000	\$315,000	\$4,803,451.70		\$315,000	\$0.00
				81%	7%	88%	100%	100%	100%		7%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT EVALUATION FORM**

PROJECT NO. C234910

PROJECT NAME: Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007

CONTRACTOR: MCK Service, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,367,965	\$4,351,881	\$16,083.87
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$4,221,325	\$130,556	3%

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement No

a) % of LBE participation 0%

b) % of SLBE participation 33%

3. Did the Trucking requirement apply? Yes

4. Did the contractor meet the Trucking requirement? Yes

a) Total trucking participation 100%

5. Did the contractor receive bid discounts? Yes

(If yes, list the percentage received) 3%

6. Additional Comments.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept.

10/4/2007

Date

Reviewing Officer:

Shelley Darenburg

Date: 10/4/07

Approved By

Jamal Garcia

Date: 10/4/07



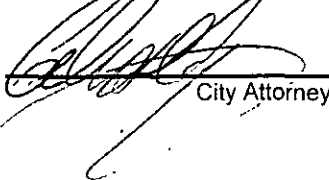
## LBE/SLBE Participation Bidder 3

Project Name: Citywide Street Resurfacing and Slurry Sealing For Fiscal Year 06-07

Project No.: C234910		Engineers Est: \$4,367,965				Under/Over Engineers Estimate: 16,083.87							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	MCK Service, Inc.	Concord	UB						1,292,816	C			
Crack Seal, Slurry Seal	Bond Blacktop	Union City	UB					155,742	155,742	C			
Traffic Striping	Riley's Striping	Union City	UB						349,737	C			
Survey Monuments	PLS Surveys	Oakland	CB		53,160	53,160			53,160	C			
Concrete	AJW Construction	Oakland	CB		928,426	928,426			928,426	H	928,426		
Trucking	CJC Trucking	Oakland	CB		450,000	450,000	450,000	450,000	450,000	AA	450,000		
Asphalt	County Asphalt	Martinez	UB						1,122,000				
<b>Project Totals</b>					\$0	\$1,431,586	\$1,431,586	\$450,000	\$605,742	\$4,351,881		\$1,378,426	\$0.00
				0.00%	33%	33%	100%	100%	100%		32%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

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

2007 OCT 11 PM 2:14

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. FOR FY 06-07 CITYWIDE STREET RESURFACING AND SLURRY SEALING PROJECT (C234910) FOR THE AMOUNT OF FOUR MILLION THREE HUNDRED SIXTY-SIX THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$4,366,470.00)**

**WHEREAS**, funding for this street resurfacing and slurry sealing project has been appropriated in FY 03-05, FY 05-07 and FY 07-08 budgets using a combination of funds from Measure B – ACTIA (FY 03-04 and FY 05-06), Traffic Safety (FY 05-06), General Purpose (FY 06-07), State Traffic Relief Congestion funds (FY 06-07), ACTIA Reimbursable Grants (FY 05-06), Metropolitan Transportation Commission – TDA (FY 05-06), and Proposition 1B California Transportation Bond (FY 07-08); and

**WHEREAS**, on September 17, 2007, four bids were received by the Office of the City Clerk of the City of Oakland for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910); and

**WHEREAS**, Gallagher & Burk, Inc. is the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

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

- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C234910; \$100,000.00
- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269610; \$1,207,000.00
- Traffic Safety (2416); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269620; \$675,000.00
- General Purpose (1010); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C293110; \$320,000.00
- State Traffic Congestion Relief - Proposition 42 Fund (2141); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C173240; \$1,000,000.00

- ACTIA Reimbursable Grants (2214); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project G282310; \$150,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289210; \$24,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289220; \$135,000
- Proposition 1B California Transportation Bond (2165); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C317610; \$755,470.00; and

**WHEREAS**, the engineer's estimate for the work is \$4,367,965.00; and

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

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

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

**RESOLVED:** That the contract for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910) is hereby awarded to Gallagher & Burk, Inc., in accordance with the terms of contractor's bid therefore, dated September 17, 2007 in the amount of four million, three hundred sixty-six thousand, four hundred seventy dollars (\$4,366,470.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$4,366,470.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$4,366,470.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Development Director of Community and Economic Development Agency 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 & Burk, Inc. on behalf of the City of Oakland and to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

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

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

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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California