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OFFICE OF THE CITY CLERK  
OAKLAND

2010 SEP -1 PM 12: 22

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: September 14, 2010

RE: **Resolution Awarding A Construction Contract For Citywide Street Resurfacing And Slurry Sealing (Project No. C317610) To Gallagher And Burk, Inc., In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Million Thirty-Two Thousand Seventy-Nine Dollars And Eighty Cents (\$3,032,079.80) Increasing The Contract Amount To Four Million Dollars (\$4,000,000.00), Or, If Said Bid Is Deemed Non-Responsive, Authorizing The City Administrator To Reject All Bids And Negotiate A Contract Not To Exceed Four Million Dollars (\$4,000,000.00)**

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### SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$3,032,079.80 to Gallagher & Burk, Inc., for the Citywide Street Resurfacing and Slurry Sealing project (Project C317610) increasing the contract amount to \$4,000,000.00, contingent upon staff determining that the bid is responsive with respect to the City's purchasing program policies. The resolution further provides that in the event the bid is determined to be nonresponsive, the City Administrator may reject the bid and negotiate a contract not to exceed four million dollars. The work to be completed under this project is part of the City's street resurfacing program and includes street resurfacing, traffic and bike lane striping, curb, gutter, sidewalk, and curb ramp repair. The work is located throughout the City and the streets that will be resurfaced as part of this project are listed in *Attachment A*.

Bids for this contract were opened on August 12, 2010. Gallagher & Burk, Inc. was the only bidder and the apparent bid amount is \$3,032,079.80. The compliance evaluation was not complete at the time this report was written. The compliance evaluation should be complete at the time this resolution is presented to Council, and staff will report the results of the evaluation at that time.

Staff recommends awarding this contract in September to take advantage of dry weather and begin paving before the next rainy season.

Item: \_\_\_\_\_  
Public Works Committee  
September 14, 2010

## FISCAL IMPACT

There are sufficient funds in the project budget for the work. The engineer's estimate for the construction work is \$3,346,760.00 and the construction contract will be in the amount of \$3,032,079.80. The construction contract will increase to \$4,000,000.00, adding work to take advantage of the competitive bid unit prices.

Funding for this street resurfacing project is from the Proposition 1B funds and the Bicycle & Pedestrian Facilities Program. Funding for this work is available in the following project accounts:

- Proposition 1B California Transportation Bond (2165); Engineering Design: Construction Services Organization (92232); Street Construction Account (57411); Project No. C317610; \$3,700,000.00;
- Measure B Bicycle/Pedestrian Pass-Thru Fund (2212), Transportation Services Organization (92246), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project FY 09-11 Project No. C371610; \$225,000.00; and
- Measure B Bicycle/Pedestrian Pass-Thru Fund (2212), Transportation Services Organization (92246), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project FY 07-09 Project No. C318310; \$126,000.00 and
- Various funding from Transportation Development Act (TDA), California Department of Transportation, Bay Area Air Quality Management District, and Metropolitan Transportation Commission Program; totaling \$324,500.00.

This resurfacing contract will rehabilitate and improve existing pavement conditions, and will reduce the short-term street pavement maintenance demand on the resurfaced streets.

## BACKGROUND

The streets selected for this contract are from the City's 5-Year Paving Plan, adopted in November 2007. Consideration was also given to known planned utility projects, such as sewer rehabilitation, gas, and water replacement, which would impact the planned street rehabilitation. The list of proposed streets for this contract is included as *Attachment A*.

Bids were opened on August 12, 2010. Only one bid was submitted by Gallagher and Burk, Inc. Staff is completing the compliance evaluation and will present the formal bid results and whether the contractor was deemed responsive verbally at the Council meeting.

The proposed work consists of resurfacing or slurry sealing of approximately 7.55 centerline miles of City streets, as shown in *Attachment A*. The project includes: Asphalt Concrete (AC) base repair; slurry sealing; replacement of traffic striping, pavement markers, and pavement markings; and other related work indicated on the plans and specifications.

## KEY ISSUES AND IMPACTS

The construction of this project needs to be awarded in September because the bicycle grant has a construction completion deadline of July 30, 2011, and we want to take advantage of dry weather for paving before the next rainy season.

The proposed work consists of approximately 7.55 centerline miles of street improvements, 5.5 miles of Asphalt Concrete (AC) base repair, 3 miles of AC overlay, and 3.3 miles of slurry sealing; repairs to adjacent concrete curbs, gutters, sidewalks, driveways; construction of 75 curb ramps; and 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 3.2 miles of new bike lanes and restriping 0.5 miles of bike lanes. Additional work will be requested during construction.

The above preventive maintenance treatments are selected to prolong the life of the pavement in a cost-effective way before the pavement condition degrades to a level where a more costly treatment is needed.

Construction work is anticipated to begin in October 2010, and will be completed by June 2011. The contract specifies \$2,700.00 and \$5,000.00 in liquidated damages per calendar day dependent on specific project locations. The project schedule is included in *Attachment B*.

## 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:** The street rehabilitation program improves paving conditions, enhancing and protecting the City's infrastructure. Street repair and rehabilitation contracts create job opportunities for local contractors.

**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, this contract will create new bike lanes and encourage residents to use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion. Improved pavement conditions reduce wear and tear and increase fuel efficiency.

**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 cost effective throughout the City.

### DISABILITY AND SENIOR CITIZEN ACCESS

Street resurfacing eliminates poor pavement conditions and provides a uniform travel surface for all roadway users, including pedestrians using crosswalks, transit vehicles, bicyclists, and people with mobility impairments.


### RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to Gallagher and Burk, Inc., in the amount of three million thirty-two thousand seventy-nine dollars and eighty cents (\$3,032,079.80) increasing the contract amount to \$4,000,000.00, or, if said bid is deemed non-responsive, authorizing the City Administrator to reject all bids and negotiate a contract not to exceed four million dollars (\$4,000,000.00).

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

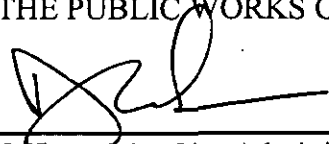
Respectfully submitted,

  
\_\_\_\_\_  
Vitaly B. Troyan, P.E., Interim Director  
Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director  
PWA, Department of Engineering and Construction

Prepared by:  
Allen Law, P.E., Supervising Civil Engineer  
Engineering Design and Right of Way Management Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
September 14, 2010

**Attachment A**

*Plans for the Citywide Street Resurfacing and Slurry Sealing  
(Project No. C317610)*

**Project Location List**

<b>Street Name</b>	<b>Begin Location</b>	<b>End Location</b>	<b>Length in Miles</b>
104th Ave	Sunnyside St	Link St	0.05
105th Ave	Russet St	International Blvd	0.52
106 <sup>th</sup> Ave	Foothill Blvd	Peralta Oaks Dr	0.09
14th Ave	E. 33rd St	MacArthur Blvd	0.03
27th St	Broadway	Harrison St	0.25
Alameda Ave	Fruitvale Ave	E. 8th St	0.52
Ardley Ave	E. 31st St	Hwy 580 Bridge	0.11
Ardley Ave	Excelsior Ave	MacArthur Blvd	0.02
Bay Pl	Harrison St	Grand Ave	0.17
Claremont Ave	City Limit	Alvarado Rd	0.92
Coliseum Way	66th Ave	Creek Bridge	0.61
E. 33rd St	Beaumont Ave	14th Ave	0.12
Excelsior Ave	Kingsley St	Ardley St	0.50
Excelsior Ave	Ardley St	MacArthur Blvd	0.27
Golf Links Rd	Burgos Ave	Mountain Blvd	0.27
Harrison St	Hamilton Pl	27th St	0.47
International Blvd	21st Ave	14th Ave	0.47
Kingsley St	Excelsior Ave	Park Blvd	0.02
Link St	104th Ave	106th Ave	0.11
MacArthur Blvd	14th Ave	Lincoln Ave	0.59
MacArthur Blvd	Greenacre Rd	High St	0.23
MacArthur Blvd (SB)	Park Blvd	Beaumont Ave	0.43
Park Blvd	MacArthur Blvd	Kingsley St	0.11
S. Coliseum Way	Creek Bridge	Hegenberger Rd	0.28
Stanford Ave	Market St	City Limit	0.65
Sunnymere Ave	Seminary Ave	Van Mourik Ave	0.11
W. Grand Ave	Campbell St	Mandela Pkwy	0.08
W. MacArthur Blvd	Broadway	Manila Ave	0.07
		<b>Total</b>	7.55

**Attachment B**

**Plans for the Citywide Street Resurfacing and Slurry Sealing  
(Project No. C317610)**

**Project Construction Schedule**

ID	Task Name	Duration	Start	Finish	2011											
					Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	C317610 Citywide Resurfacing And Slurry Seal FY	226 days	Thu 8/12/10	Thu 6/23/11												
2	Bid Opening	0 days	Thu 8/12/10	Thu 8/12/10												
3	Contract Award	28 days	Fri 8/13/10	Tue 9/21/10												
4	Contract Execution	7 days	Wed 9/22/10	Thu 9/30/10												
5	Construction	190 days	Fri 10/1/10	Thu 6/23/11												

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

2010 SEP -1 PM 12:22

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

City Attorney

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR CITYWIDE STREET RESURFACING AND SLURRY SEALING (PROJECT NO. C317610) TO GALLAGHER AND BURK, INC., IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION THIRTY-TWO THOUSAND SEVENTY-NINE DOLLARS AND EIGHTY CENTS (\$3,032,079.80) INCREASING THE CONTRACT AMOUNT TO FOUR MILLION DOLLARS (\$4,000,000.00), IF SAID BID IS DEEMED NON-RESPONSIVE, AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS AND NEGOTIATE A CONTRACT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000.00)**

**WHEREAS**, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

**WHEREAS**, the Proposition 1B bond revenues must be invested in improving local streets, roads, and/or other priority local transportation projects; and

**WHEREAS**, eligible projects for Proposition 1B are those that reduce congestion, increase traffic safety, or rehabilitate and maintain local roads; and

**WHEREAS**, the City Council adopted a 5-Year Paving Plan for FY 07-12, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

**WHEREAS**, the projects associated with the 5-Year Paving Plan for FY 07-12 are eligible for the Proposition 1B Funds; and

**WHEREAS**, the project locations associated with this project are selected from the City's 5-Year Paving Plan for FY 07-12; 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; and

**WHEREAS**, there are sufficient Proposition 1B funds in the project budget for the work and funding for this work is available in the following project account: (2165); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C317610; \$3,700,000.00 and

**WHEREAS**, there are sufficient Measure B Bicycle/Pedestrian Pass-Thru funds in the project budget for the work and funding for this work is available in the following project account: (2212), Transportation Services Organization (92246), Street Construction Account (57411),

Bicycle Facilities Design and Implementation Project FY 09-11 Project No. C371610; \$225,000.00; and

**WHEREAS**, there are sufficient Measure B Bicycle/Pedestrian Pass-Thru funds in the project budget for the work and funding for this work is available in the following project account: (2212), Transportation Services Organization (92246), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project FY 07-09 Project No. C318310; \$126,000.00; and

**WHEREAS**, there are sufficient Transportation Development Act (TDA) Article 3 funds in the project budget for the work and funding for this work is available in the following project account: (2162), Transportation Services Organization (92246), Street Construction Account (57411), 27th Street/Bay Place Bikeway Project No. C355210; \$50,000.00; and

**WHEREAS**, there are sufficient Transportation Development Act (TDA) Article 3 funds in the project budget for the work and funding for this work is available in the following project account: (2162), Transportation Services Organization (92246), Street Construction Account (57411), 27th Street/Bay Place Bikeway 09-10 Project No. C355220; \$65,000.00; and

**WHEREAS**, there are sufficient California Department of Transportation funds in the project budget for the work and funding for this work is available in the following project account: (2140), Transportation Services Organization (92246), Street Construction Account (57411), MacArthur Bikeway, Park to Lincoln Project No. G258810; \$121,500.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds in the project budget for the work and funding for this work is available in the following project account: (2166), Transportation Services Organization (92246), Street Construction Account (57411), MacArthur Bikeway, Park to Lincoln-BFP Project No. G258820; \$30,000.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds in the project budget for the work and funding for this work is available in the following project account: (2166), Transportation Services Organization (92246), Street Construction Account (57411), East 12th Street Bikeway Project No. C400110; \$10,500.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds (2166) fund Metropolitan Transportation Commission Program Grant Fund (2163), Capital Projects – Transportation Services Organization (92246), Street Construction Account (57411), Project No. pending; \$47,500.00; and

**WHEREAS**, this bicycle grant has a construction completion deadline of July 30, 2011; and

**WHEREAS**, the City advertised and issued a solicitation for bids for Citywide Street Resurfacing and Slurry Sealing (Project No. C317610), and on August 12, 2010, one bid was received by the Office of the City Clerk in response to the solicitation; and

**WHEREAS**, the one bid was from Gallagher & Burk, Inc. in the amount of \$3,032,079.80; and

**WHEREAS**, the Engineer's Estimate for the work is \$3,346,760.00; and

**WHEREAS**, the contract amount will be increased to \$4,000,000.00; and

**WHEREAS**, additional work will be requested from the contractor during construction; and



**WHEREAS**, Staff will complete purchasing program compliance analysis after the agenda report and resolution for this item is published and it has not yet been determined that the contractor's bid is responsive; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary repairs and that the performance of this contract is in the public interest because of the economy; and

**WHEREAS**, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED**: That a contract is awarded to Gallagher & Burk, Inc. in accordance with the plans and specifications for the Citywide Street Resurfacing and Slurry Sealing project (Project No. C317610) and the contractor's bid therefore, dated August 12, 2010, in the amount of three million thirty-two thousand seventy-nine dollars and eighty cents (\$3,032,079.80) increasing the contract amount to four million dollars (\$4,000,000.00); and be it

**FURTHER RESOLVED**: That if said bid is deemed non-responsive, the City Administrator is authorized to reject bids and negotiate a contract for the Citywide Street Resurfacing and Slurry Sealing project (Project No. C317610) for an amount not to exceed four million dollars (\$4,000,000.00); and be it

**FURTHER RESOLVED**: That the City Administrator is authorized 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 the Contractor shall be required to provide a bond for faithful performance and a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act shall be per the contract awarded price for each, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED**: That the plans and specifications prepared by the Assistant Director of Public Works Agency for this project are hereby approved; and be it

**FURTHER RESOLVED**: That the contract shall be reviewed and approved by the City Attorney for form and legality 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