

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 JUL 10 PM 3:21

To: Office of the City Manager
Attn: Deborah Edgerly
From: Public Works Agency
Date: July 22, 2003

Re: Resolution authorizing award of a construction contract to Gallagher and Burk, Inc. for RABA (Revenue Aligned Budget Authority) Streets Rehabilitation, in the amount of \$1,029,002.35 (City Project No. G235910)

SUMMARY

Staff recommends Council approval of a resolution authorizing the City Manager to award a construction contract to Gallagher and Burk, Inc. for RABA Streets Rehabilitation (Project No. G235910) in the amount of \$1,029,002.35. This project is funded by a federal grant that requires local agencies to use Department of Transportation guidelines for project administration and auditing. Staff recommends that the resolution be approved.

FISCAL IMPACT

The engineer's estimate for the construction work is \$1,181,672.80 and the construction contract will be in the amount of \$1,029,002.35. The construction budget for this project is \$1,404,130 and comes from two sources:

1. Federal Surface Transportation Program (STP), Revenue Aligned Budget Authority (RABA) provision of the Transportation Equity Act for the 21st Century (TEA 21) in the amount of \$1,242,000, City of Oakland Fund 2116 (CIP Budget FY 01-02); and
2. Municipal Capital Improvement funds in the amount of \$162,130, City of Oakland Fund 5500 (CIP Budget FY 02-03).

The federal RABA grant requires 11.55 percent of local matching funds.

Sufficient funds are available for the construction work in the following two project accounts:

FUND	ORGANIZATION	ACCOUNT	PROJECT	AMOUNT	PERCENT
2116	92480	57411	G235910	\$ 910,153	88.45%
5500	92480	57411	G235920	\$ 118,850	11.55%
TOTAL				\$ 1,029,003	100.00%

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.

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BACKGROUND

RABA funds are made possible by a provision of the federal TEA-21 Act. This provision is intended to ensure that annual appropriations of federal transportation funding closely match actual receipts from the federal fuel tax. If actual fuel tax receipts are higher than estimated, the extra revenues are spread across major highway programs under the “RABA” provision. Oakland’s share of the RABA funds available to Alameda County is \$1,242,000. Because of the huge backlog of deferred maintenance in the Bay Area, the Metropolitan Transportation Commission (MTC) earmarked RABA funds for street resurfacing projects. The streets selected met the following Department of Transportation and MTC criteria:

- a. Streets selected must be part of the Federal Aid Urban (FAU) system to qualify for federal funding,
- b. Street selection is based on street condition and ranking by the City’s Pavement Management System (PMS), and
- c. Estimated project budget to resurface the selected streets is based on available RABA funding.

On January 16, 2001, the City Council approved Resolution No. 76255, that authorized the City Manager to apply, accept, and appropriate federal STP/RABA funding in the amount of \$1,242,000 to resurface the following four federal-aid eligible streets:

1. Coolidge Avenue (from Foothill Blvd. to Brookdale Ave.)
2. E. 15th Street (from 1st Ave. to 14th Ave.)
3. 38th Avenue (from Foothill Blvd. to MacArthur Blvd.)
4. Mandana Blvd. (from Lakeshore Ave. to Ashmount Ave.)

On February 28, 2001, MTC approved the City’s \$1,242,000 RABA grant. On June 9, 2003, the City Clerk received four bids for the project. The bids ranged from \$1,029,002.35 to \$1,069,294.75. Gallagher and Burk, Inc. submitted the lowest responsible bid in the amount of \$1,029,002.35. A summary of the bids is shown on *Attachment A*.

The proposed work consists of resurfacing approximately 4.05 centerline miles (13 lane miles) of City streets and is shown in *Attachment B*. This project meets the City Council and Mayoral Budget Priorities for Renewed Infrastructure by repairing and maintaining the City’s streets.

Department of Transportation guidelines are used to administer this project. There will be Disadvantaged Business Enterprise (DBE) participation of \$78,839 (8%), which exceeds the CalTrans project goal of 0%. The DBE information has been verified by the Contract Compliance Division of the City Manager’s Office and is shown on *Attachment C*.

KEY ISSUES AND IMPACTS

Construction work is scheduled to begin in September 2003 and will be completed by January 2004, contingent on weather. The contract specifies \$425 in liquidated damages per calendar day if the contract completion time of 95 working days is exceeded.

The project schedule is shown on *Attachment A*.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Federal guidelines require that the contractor ensure DBEs have an opportunity to participate on the performance of this contract. For this contract the DBE participation is 8 percent.

Environmental: This project uses rubberized asphalt, which contains recycled tires as part of the asphalt binder. For a two-inch resurfacing project, over 2,000 waste tires will be used per lane mile (assuming 12 foot lane width). This project will recycle over 26,000 tires.

Social Equality: Resurfacing of streets is based on street condition and ranking by City's Pavement Management System (PMS).

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 the construction contract to Gallagher and Burk, Inc., the lowest responsible bidder, in the amount of \$1,029,002.35 for the RABA Streets Rehabilitation. Gallagher and Burk, Inc. has met the 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,



CLAUDETTE R. FORD

Director, Public Works Agency

Reviewed by:

Berry A. Weiland, Jr.

Assistant Director, Public Works Agency
Maintenance Services

Prepared by:

Dwight A. Chambers

Operations Manager, Public Works Agency
Street and Sidewalk Maintenance

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE


OFFICE OF THE CITY MANAGER

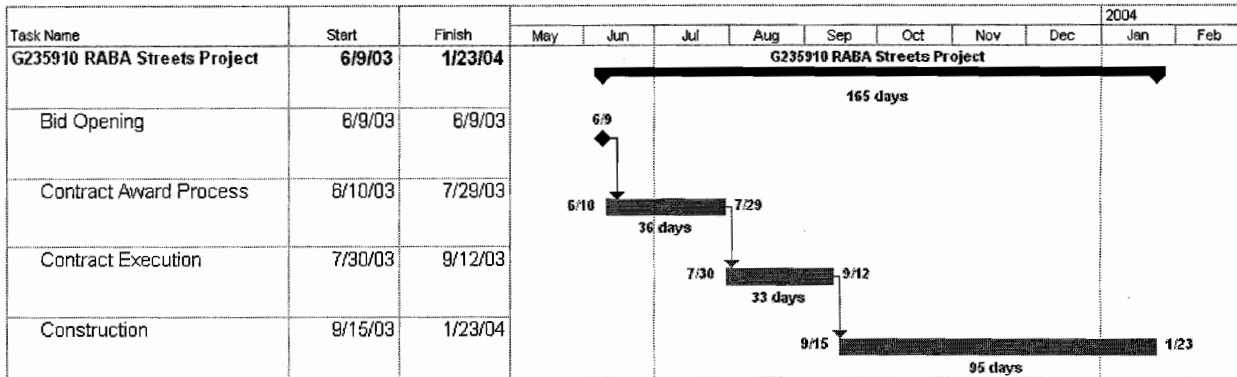
Attachment A

**RABA Streets Rehabilitation
(Project G235910)**

List of Bidders

Company	Status	Location	Bid Amount
Gallagher & Burk, Inc.	Uncertified DBE	Oakland	\$ 1,029,002
Granite Construction Company	Uncertified DBE	Watsonville	\$ 1,047,322
Bay Cities Paving & Grading, Inc.	Uncertified DBE	Concord	\$ 1,067,284
McGuire & Hester	Uncertified DBE	Oakland	\$ 1,069,295

Project Schedule



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Attachment B

**RABA Streets Rehabilitation
Project No. G235910**

Pavement Resurfacing Locations

ITEM	STREET	FROM	TO	RESURFACING METHOD	WIDTH	LENGTH	DISTRICT
1	COOLIDGE AVE	FOOTHILL BLVD	BROOKDALE AVE	RUBBERIZED OVERLAY	36	4,536	5
2	E. 15TH ST	1ST AVE	14TH AVE	RUBBERIZED OVERLAY	35	4,565	2
3	38TH AVE	FOOTHILL BLVD	I-580	RUBBERIZED OVERLAY	41	6,020	4 & 5
4	38TH AVE	I-580	MACARTHUR BLVD	RUBBERIZED OVERLAY	35	740	4 & 5
5	MANDANA BLVD	LAKESHORE AVE	CALMAR AVE	RUBBERIZED OVERLAY	52	864	2
6	MANDANA BLVD	CALMAR AVE	PORTAL AVE	RUBBERIZED OVERLAY	46	3,261	2
7	MANDANA BLVD	PORTAL AVE	ASHMOUNT AVE	RUBBERIZED OVERLAY	32	1,380	2

TOTAL LENGTH (FT) 21,366

TOTAL LENGTH (CENTERLINE MILES) 4.05

TOTAL LENGTH (LANE MILES) 13

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Attachment C

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER



Contract Compliance Evaluation Form

Project No.: G235910

Project Name: RABA Streets Rehabilitation

Bid Opening Date: 6/9/2003

Engineer Estimate: \$1,181,672

Contractor: Gallagher & Burk

Contractor's bid amount: \$1,029,002

1. Did the Contractor meet the DBE goals? Yes
 - a) % of DBE participation 8%

2. 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.)

3. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 6/12/2003

4. Is the contractor in compliance with all DBE requirements? Yes (If no, explain below)

Reviewing Officer: _____

Date: 6/12/2003

Approved By: _____

Date: 6/12/03

DBE PARTICIPATION

Lowest Bidder

Project Name: RABA Streets Rehabilitation

Engineer Estimate: \$1,181,672

Project No.: G235910

Bid Amount: \$1,029,002.35

Difference: <\$152,670>

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	DBE	TOTAL DBE	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE
Prime	1	Gallagher & Burk	Oakland	UB				\$950,163.35			
Striping	2	Striping Express	Oakland	CB	\$33,839	\$33,839		\$33,839.00	AA	\$33,839	
Trucking	3	Williams Trucking	Oakland	CB	\$45,000	\$45,000	\$45,000	\$45,000.00	AA	\$45,000	
Project Subtotals:						\$78,839	\$45,000	\$1,029,002.35		\$78,839	0%
						\$78,839				8%	8%
										100%	0%

This project has a 0% goal

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- LEGEND:
- ALL DBE
 - LBE
 - SDBE
 - LTRU
 - All certified Local and Small Local Businesses
 - Local Business Enterprise
 - Small Local Business Enterprise
 - Local Trucking Businesses
 - CB Certified Business
 - UB Uncertified Business
 - AA African American
 - H Hispanic American
 - A Asian American
 - RA Native American
 - C Caucasian
 - MBE Minority Business Enterprise
 - WBE Woman Business Enterprise

OAKLAND CITY COUNCIL

RESOLUTION No. _____

C.M.S. FILED
OFFICE OF THE CITY CLERK
OAKLAND



INTRODUCED BY COUNCILMEMBER _____

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Requires two-thirds vote of the Council

Resolution authorizing award of a construction contract to Gallagher and Burk, Inc. for RABA (Revenue Aligned Budget Authority) Streets Rehabilitation, in the amount of \$1,029,002.35 (City Project No. G235910).

WHEREAS, the City of Oakland was awarded a federal Surface Transportation (STP), Revenue Aligned Budget Authority (RABA) of the Transportation Equity Act (TEA-21) grant for the RABA Streets Rehabilitation; and

WHEREAS, this federal TEA-21 grant requires a local match of 11.55 percent; and

WHEREAS, on June 9, 2003 four bids were received by the Office of the City Clerk of the City of Oakland for the RABA Streets Rehabilitation (City Project No. G235910); and

WHEREAS, **Gallagher & Burk, Inc.** is the lowest responsible bidder for the project and has met the Disadvantage Business Enterprise requirements; and

WHEREAS, there are sufficient funds in the project budget (Fund 2116, Org. 92480, Account 57411, Project G235910 and Fund 5500, Org. 92480, Account 57411, Project G235920) of \$1,404,130 for construction of the work.

WHEREAS, the engineer's estimate for the work is \$1,181,673; 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 safety and economy; and

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

WHEREAS That 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 contract for the RABA Streets Rehabilitation (Project No. G235910) is hereby awarded to **Gallagher & Burk, Inc.**, in accordance with the terms of its bid therefore, dated June 9, 2003 in the amount of One Million, Twenty Nine Thousand, Two and 35/100 Dollars (\$1,029,002.35); and, be it

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FURTHER RESOLVED: That the amount of the bond for faithful performance, \$514,501, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$1,029,002, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Manager is hereby directed to enter into a contract with **Gallagher & Burk, Inc.** on behalf of the City of Oakland and to execute any 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.

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

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