

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 SEP 30 PM 2:48:50
2009 OCT 13 PM 2:48:50

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: October 13, 2009

RE: **Resolution Awarding A Construction Contract To Gallagher and Burk, Inc., For Railroad Avenue Improvements - Phase II, From Louisiana Street to 98th Avenue (Project No. P330910) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed Six Hundred Fifty-Seven Thousand Four Hundred Ninety-Nine Dollars (\$657,499.00)**

SUMMARY

A resolution has been prepared awarding a street construction contract in the amount of \$657,499.00 to Gallagher and Burk, Inc., for the Railroad Avenue - Phase II Streetscape Project. This project is intended to reduce blight along Railroad Avenue and to retain and attract industrial and warehouse businesses in the Coliseum Redevelopment Area. The project is located within Council District 7.

This project is funded with Oakland Redevelopment Agency bond funds.

FISCAL IMPACT

The engineer's estimate for the work is \$1,182,250.00 and the construction contract will be in the amount of \$657,499.00.

There are sufficient funds for the contract work in the Coliseum Area: Tax Allocation Bonds Series 2006B-TE (Tax Exempt) Fund (9455), Capital Improvement Projects Coliseum Organization (94859), Railroad Avenue Phase II Project (T248820). The funds are mirrored in the City Entity in the Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Coliseum Organization (94859), Phase II Railroad Avenue Project (P330910).

Funding for design (\$70,000.00) for phase II of the Railroad Avenue Streetscape project was previously approved and appropriated by the City Council on December 5, 2006, Resolution No. 2006-0080 C.M.S. and Resolution No. 80276 C.M.S. Additional funding for this project was authorized and appropriated by City Council as part of the fiscal year 2007-2009

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(\$1,020,000.00), fiscal year 2008-2009 Mid-Cycle (\$880,000.00) and fiscal year 2009-2011 (\$100,000.00) Redevelopment Agency budgets.

Project storm drain and street resurfacing improvements will reduce winter storm maintenance problems and associated blight. Proposed 8-inch high curbs adjacent to Union Pacific Railroad property will deter illegal dumping.

BACKGROUND

On July 30, 2009, the City Clerk opened four bids for this project. Bids ranged from \$657,499.00 to \$1,154,059.00. Gallagher and Burk, Inc., is determined to be the lowest responsive and responsible bidder in the amount of \$657,499.00. A summary of the bids is shown on *Attachment A*.

Gallagher and Burk, Inc's bid is in full compliance with City goals for Local and Small Local Business Enterprises. Under this contract, the SLBE participation is 26.74% and the LBE participation is 48.97%, which exceeds the City's 20% LBE/SLBE goal. The trucking participation level is 100%. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in *Attachment B*.

KEY ISSUES AND IMPACTS

Construction is anticipated to begin in January 2010, weather permitting, and should be completed by May 2010. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 75 working days. The project schedule is shown in *Attachment A*. This work will alleviate frequent flooding at this location by providing a new storm drainage improvement.

Over the past months, there has been a drop in bid prices due to the economic recession which has resulted in a cost savings to the City. The Engineer's Estimate for this contract had reflected previously higher construction costs. Staff has carefully analyzed the bids and determined that they are appropriate for the proposed work.

EVALUATION OF 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 and one streetscape contract with Gallagher and Burk, Inc., and the contractor is performing satisfactorily on these projects.

PROJECT DESCRIPTION

The Phase II Railroad Avenue streetscape project extends the new roadway, sidewalk curb and gutter improvements constructed on Phase I (between 85th Avenue and Louisiana Street) to 98th Avenue. The second phase has been designed to match the look of Phase I and to address long-standing problems with storm runoff and local flooding in the immediate area.

In general, the proposed work consists of constructing a quarter mile of new roadway pavement, sidewalks, curbs and gutters, installing 1,131 linear feet of 12 inch diameter storm pipelines, and other storm drain improvements to ameliorate the area's flooding problems. This project will improve public safety by providing pedestrian access. It will also promote economic development by reducing blight, installing curbs to deter illegal dumping, and improving street and storm drain facilities.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing wage rates. Prevailing wages offer a livable wage rate for workers and can contribute to an increased quality of life. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

Environmental: The widening of the pavement area along Railroad Avenue, coupled with the construction of new high curbs, will reduce the street's current illegal dumping problem. Air quality will be improved to the extent that the new sidewalks and curb ramps encourage pedestrian traffic. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: This street has suffered from deterioration and from illegal dumping for a long time. This project will help prevent illegal dumping.

DISABILITY AND SENIOR CITIZEN ACCESS

Seniors and people with disabilities will benefit from the improved access this project provides.

RECOMMENDATION AND RATIONALE

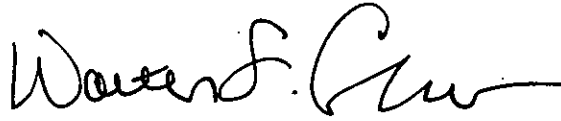
It is recommended that the construction contract be awarded to Gallagher and Burk, Inc., the lowest responsible bidder, in the amount of \$657,499.00 for Railroad Avenue Improvements - Phase II, from Louisiana Street to 98th Avenue (Project No. P330910). Gallagher and Burk, Inc. has met the LBE/SLBE requirements and there are sufficient funds in the project accounts.

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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

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Attachment A

**Railroad Avenue Improvements - Phase II
From Louisiana Street to 98th Avenue
(Project P330910)**

List of Bidders

| Company | Bid Amount |
|-----------------------------|-----------------|
| Gallagher and Burk, Inc. * | \$ 657,499.00 |
| McGuire and Hester | \$ 716,119.00 |
| Bay Cities Paving & Grading | \$ 825,046.75 |
| Ghilotti Brothers | \$ 1,154,059.00 |

* lowest responsible bidder after applying 5% bid credit.

Project Schedule

| ID | Task Name | Duration | Start | Finish | 2010 | | | | | | | | | | | |
|----|--|----------|----------|----------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | | | | | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
| 1 | P330910 Railroad Avenue Improvement - Phase II | 193 days | 7/30/09 | 4/26/10 | | | | | | | | | | | | |
| 2 | Bid Opening | 1 day | 7/30/09 | 7/30/09 | | | | | | | | | | | | |
| 3 | Contract Award | 57 days | 8/3/09 | 10/20/09 | | | | | | | | | | | | |
| 4 | Contract Execution | 40 days | 10/21/09 | 12/15/09 | | | | | | | | | | | | |
| 5 | Construction | 75 days | 1/12/10 | 4/26/10 | | | | | | | | | | | | |

Attachment B

**Railroad Avenue Improvements - Phase II
From Louisiana Street to 98th Avenue
(Project P330910)**

Compliance Evaluation

Item: _____
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Memo

Department of Contracting and Purchasing
Social Equity Division

To: Joyce Carlson/Daniel Seamans - Project Managers
 From: Sophany Hang - Acting Contract Compliance Officer
 Through: Deborah Barnes - DCP Director
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick - Contract Administrator Supervisor
 Date: **August 25, 2009**
 Re: P330910- Railroad Avenue Street Improvements—Phase II

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed four (4) bids 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 | | | | Earned Credits and Discounts | | | Banked Credits Eligibility | EBO Compliant? Y/N |
|------------------------|---------------------|------------------------|--------|--------|----------|------------------------------|----------------------|---------------------|----------------------------|--------------------|
| Company Name | Original Bid Amount | Total LBE/SLBE | LBE | SLBE | Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | | |
| Gallagher & Burk, Inc. | \$657,499 | 75.70% | 48.97% | 26.74% | 100% | 53.48% | 5% | \$624,624 | 0% | Y |
| McGuire and Hester | \$716,119 | 86.94% | 76.68% | 10.26% | 100% | 20.52% | 2% | \$701,797 | 0% | Y |

Comments: As noted above, all firms met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. 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 | Total LBE/SLBE | LBE | SLBE | Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount | | |
| Bay Cities Paving & Grading, Inc. | \$825,047 | 61.64% | 49.33% | 12.31% | 100% | 0% | 0% | NA | 0% | Y |
| Ghilotti Bros. Inc. | \$1,154,059 | 20.10% | 20.10% | 0% | 100% | 0% | 0% | NA | 0% | Y |

Comments: As noted above, Bay Cities Paving & Grading, Inc. achieved 24.62% L/SLBE participation, however, the firm was deemed non-responsive by contract administration due to clerical errors in its bid. Ghilotti Bros, Inc. failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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: Gallagher & Burk

Project Name: 11th Street Sidewalk Improvements between Clay and Broadway Streets

Project No: C00800

50% Local Employment Program (LEP)

| | | | |
|--------------------------------|-----|-------------------------|--|
| Was the 50% LEP Goal achieved? | Yes | If no, shortfall hours? | |
| Were all shortfalls satisfied? | Yes | If no, penalty amount | |

15% Oakland Apprenticeship Program

| | | | |
|---|-----|-------------------------|--|
| Was the 15% Apprenticeship Goal achieved? | Yes | If no, shortfall hours? | |
| Were shortfalls satisfied? | Yes | If no, penalty amount? | |

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 Oakland Apprenticeship Hours Achieved | Apprenticeship Goal and Hours | | Apprentice Shortfall Hours |
| | | Goal | Hours | Goal | Hours | | | | | Goal | Hours | |
| A | B | C | | D | | E | F | G | H | I | | J |
| 219 | 110 | 50% | 55 | 100% | 93 | 0 | 0 | 100% | 219 | 15% | 33 | 0 |

Comments: Gallagher & Burk met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 110 on-site hours and 110 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: P330910

PROJECT NAME: Railroad Avenue Street Improvements--Phase II

CONTRACTOR: Gallagher & Burk, Inc.

| | | |
|--|---|--|
| <u>Engineer's Estimate:</u> \$1,182,250 | <u>Contractors' Bid Amount</u> \$657,499 | <u>Over/Under Engineer's Estimate</u> \$524,751 |
|--|---|--|

| | | |
|--|---|-------------------------------|
| <u>Discounted Bid Amount:</u> \$624,624 | <u>Amount of Bid Discount</u> \$32,875 | <u>Discount Points:</u> 5% |
|--|---|-------------------------------|

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

| | |
|----------------------------|---------------|
| b) % of LBE participation | <u>48.97%</u> |
| c) % of SLBE participation | <u>26.74%</u> |

3. Did the contractor meet the Trucking requirement? YES

| | |
|--|-------------|
| a) Total SLBE/LBE trucking participation | <u>100%</u> |
|--|-------------|

4. Did the contractor receive bid discounts? YES

| | |
|--|-----------|
| (If yes, list the percentage received) | <u>5%</u> |
|--|-----------|

5. Additional Comments.

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

8/25/2009

Date

Reviewing Officer:

Stephen Huf

Date: 8/25/09

Approved By:

Shelley Sorenson

Date: _____

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Railroad Avenue Street Improvements--Phase II

| Project No.: P330910 | | Engineers Est: 1,182,250 | | | | Under/Over Engineers Estimate: 524,751 | | | | For Tracking Only | | |
|---|-------------------------|--------------------------|--------------|---|-------------|--|--------------------------|---|---------------|--|---------|-----------|
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
| PRIME Concrete Striping Storm Drain Adjustments Trucking Trucking CAB/PMB | Gallagher & Burk, Inc. | Oakland | CB | 306,954 | | 306,954 | | | 306,954 | C | | |
| | M.F. Maher | Vallejo | UB | | | | | | 144,400 | C | | |
| | Riley's Striping | Union City | UB | | | | | | 5,500 | C | | |
| | Andes Construction | Oakland | CB | | 135,795 | 135,795 | | | 135,795 | H | 135,795 | |
| | Union City Construction | Fremont | UB | | | | | | 9,850 | C | | |
| | Monroe Trucking | Oakland | CB | | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | AA | 20,000 | |
| | Williams Trucking | Oakland | CB | | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | AA | 20,000 | |
| | Aman Environmental | Oakland | CB | 15,000 | | 15,000 | | | 15,000 | C | | |
| | Project Totals | | | | \$321,954 | \$175,795 | \$497,749 | \$40,000 | \$40,000 | \$657,499 | | \$175,795 |
| | | | | 48.97% | 26.74% | 75.70% | 100% | 100% | 100% | | 26.74% | 0% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | 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.: P330910

PROJECT NAME: Railroad Avenue Street Improvements--Phase II

CONTRACTOR: McGuire and Hester

| | | |
|--|---|--|
| <u>Engineer's Estimate:</u> \$1,182,250 | <u>Contractors' Bid Amount</u> \$716,119 | <u>Over/Under Engineer's Estimate</u> \$466,131 |
| <u>Discounted Bid Amount:</u> \$701,797 | <u>Amount of Bid Discount</u> \$14,322 | <u>Discount Points:</u> 2% |

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **76.68%**
 - c) % of SLBE participation **10.26%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **2%**
- 5. Additional Comments.

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

8/25/2009

Date

**Reviewing
Officer:**

[Signature]

Date: 8/25/09

Approved By

[Signature]

Date: 8/25/09

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: **Railroad Avenue Street Improvements--Phase II**

| Project No.: P330910 | | Engineers Est: 1,182,250 | | | | Under/Over Engineers Estimate: 466,131 | | | | For Tracking Only | | |
|---|--|--------------------------|--------------|---------------------------------|--|---|---|--|---------------------------|--|------------------------------------|---------------------------------|
| Discipline | Prime & Subs | Location | Cert. Status | LBE | SLBE | Total LBE/SLBE | L/SLBE Trucking | Total Trucking | TOTAL Dollars | Ethn. | MBE | WBE |
| | | | | | | | | | | | | |
| PRIME | McGuire and Hester | Oakland | CB | 549,119 | | 549,119 | | | 549,119 | C | | |
| Trucking | S & S Trucking | Oakland | CB | | 23,300 | 23,300 | 23,300 | 23,300 | 23,300 | H | 23,300 | |
| Trucking | Williams Trucking | Oakland | CB | | 41,000 | 41,000 | 41,000 | 41,000 | 41,000 | AA | 41,000 | |
| Striping Asphalt | Lineation Markings Corp Hanson Aggregates | Oakland | CB | | 9,200 | 9,200 | | | 9,200 | C | | |
| | | Berkeley | UB | | | | | | 93,500 | NL | | |
| Project Totals | | | | \$549,119 | \$73,500 | \$622,619 | \$64,300 | \$64,300 | \$716,119 | | \$64,300 | \$0 |
| | | | | 76.68% | 10.26% | 86.94% | 100% | 100% | 100% | | 9% | 0% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | 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.: P330910

PROJECT NAME: Railroad Avenue Street Improvements--Phase II

CONTRACTOR: Bay Cities Paving & Grading, Inc.

| | | |
|--|---|--|
| <u>Engineer's Estimate:</u> \$1,182,250 | <u>Contractors' Bid Amount</u> \$825,047 | <u>Over/Under Engineer's Estimate</u> \$357,203 |
|--|---|--|

| | | |
|--|---|-------------------------------|
| <u>Discounted Bid Amount:</u> \$808,546 | <u>Amount of Bid Discount</u> \$16,501 | <u>Discount Points:</u> 2% |
|--|---|-------------------------------|

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 49.33%
 - c) % of SLBE participation 12.31%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO

(If yes, list the percentage received) 0%
5. Additional Comments.

Contractor achieved 24.62% L/SLBE participation, however, they were deemed non-responsive by contract administration due to clerical errors in their bid.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
8/25/2009
Date

Reviewing Officer: [Signature]

Date: 8/25/09

Approved By [Signature]

Date: 8/25/09

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: **Railroad Avenue Street Improvements--Phase II**

| Project No.: P330910 | | Engineers Est: #REF! | | | Under/Over Engineers Estimate: 0 | | | | | | | |
|---|-----------------------------------|----------------------|--------------|---|----------------------------------|----------------|-----------------------|---|---------------|--|-----------|-----|
| 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 | Bay Cities Paving & Grading, Inc. | Oakland | CB | 382,993 | | 382,993 | | | 382,993 | H | 382,993 | |
| Trucking | CJC Trucking | Oakland | CB | | 94,000 | 94,000 | 94,000 | 94,000 | 94,000 | AA | 94,000 | |
| Adjust Utilities | Union City Construction | Fremont | UB | | | | | | 9,850 | C | | |
| Concrete | MF Maher | Vallejo | UB | | | | | | 142,840 | C | | |
| AB Supply | Aman Environmental | Oakland | CB | 24,000 | | 24,000 | | | 24,000 | C | | |
| AC Supply | Hanson Aggregates | Berkeley | UB | | | | | | 93,068 | C | | |
| Potholing | Exavo Technologies | San Francisco | UB | | | | | | 17,904 | C | | |
| Pipe | Groeniger and Co. | Hayward | UB | | | | | | 52,842 | H | 52,842 | |
| Striping | Lineation Marking | Oakland | CB | | 7,550 | 7,550 | | | 7,550 | C | | |
| Project Totals | | | | \$406,993 | \$101,550 | \$508,543 | \$94,000 | \$94,000 | \$825,047 | | \$529,835 | \$0 |
| | | | | 49.33% | 12.31% | 61.64% | 100% | 100% | 100% | | 64% | 0% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | 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.: P330910

PROJECT NAME: Railroad Avenue Street Improvements--Phase II

CONTRACTOR: Ghilotti Bros., Inc.

| | | |
|--|---|---|
| <u>Engineer's Estimate:</u> \$1,182,250 | <u>Contractors' Bid Amount</u> \$1,154,059 | <u>Over/Under Engineer's Estimate</u> \$28,191 |
|--|---|---|

| | | |
|--------------------------------------|--------------------------------------|-------------------------------|
| <u>Discounted Bid Amount:</u> \$0 | <u>Amount of Bid Discount</u> \$0 | <u>Discount Points:</u> 0% |
|--------------------------------------|--------------------------------------|-------------------------------|

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? NO

b) % of LBE participation 20.10%
c) % of SLBE participation 0%

3. Did the contractor meet the Trucking requirement? YES

a) Total SLBE/LBE trucking participation 100%

4. Did the contractor receive bid discounts? NO

(If yes, list the percentage received) 0%

5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

8/25/2009

Date

Reviewing Officer:

[Signature]

Date:

8/25/09

Approved By:

[Signature]

Date:

8/25/09

LBE/SLBE PARTICIPATION BIDDER 4

| Project Name: Railroad Avenue Street Improvements--Phase II | | | | | | | | | | | | |
|---|-----------------------|--------------------------|--------------|---|----------|---------------------------------------|-----------------------|---|---------------|--|-----------|-----|
| Project No.: P330910 | | Engineers Est: 1,182,250 | | | | Under/Over Engineers Estimate: 28,191 | | | | | | |
| 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 Trucking Demo & AC Concrete Supply Striping | Ghilotti Bros., Inc. | San Rafael | UB | | | | | | 922,059 | C | | |
| | Dillard Environmental | Oakland | CB | 43,000 | | 43,000 | 43,000 | 43,000 | 43,000 | C | | |
| | Bay Line Concrete | Oakland | CB | 114,000 | | 114,000 | | | 114,000 | H | 114,000 | |
| | Cutting & Coring | Oakland | CB | 75,000 | | 75,000 | | | 75,000 | C | | |
| | Central Concrete | Oakland | CB | 75,000 | | 75,000 | | | 75,000 | | | |
| Striping Graphics | Petaluma | UB | | | | | | | | | | |
| Project Totals | | | | \$232,000 | \$0 | \$232,000 | \$43,000 | \$43,000 | \$1,154,059 | | \$114,000 | \$0 |
| | | | | 20.10% | 0% | 20.10% | 100% | 100% | 100% | | 9.88% | 0% |
| Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. | | | | LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING | | | Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership | | |
| Legend | | | | 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 | | | | |

OAKLAND CITY COUNCILFILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

C.M.S.

2009 SEP 31 PM 2:49

Introduced by Councilmember _____

2009 OCT -1 PM 2:51

City Attorney

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC., FOR RAILROAD AVENUE IMPROVEMENTS - PHASE II, FROM LOUISIANA STREET TO 98TH AVENUE (PROJECT NO. P330910) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED SIX HUNDRED FIFTY-SEVEN THOUSAND FOUR HUNDRED NINETY-NINE DOLLARS (\$657,499.00)

WHEREAS, on July 30, 2009, four bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Railroad Avenue Improvements - Phase II, from Louisiana Street to 98th Avenue (Project No. P330910); and

WHEREAS, Gallagher and 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 for the contract work in the Coliseum Area: Tax Allocation Bonds Series 2006B-TE (Tax Exempt) Fund (9455), Capital Improvement Projects Coliseum Organization (94859), Railroad Avenue Phase II Project (T248820); and

WHEREAS, these funds for the contract work are mirrored in the City Entity in the Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Coliseum Organization (94859), Phase II Railroad Avenue Project (P330910); and

WHEREAS, funding for design (\$70,000.00) for phase II of the Railroad Avenue Streetscape project was previously approved and appropriated by the City Council on December 5, 2006, Resolution No. 2006-0080 C.M.S. and Resolution No. 80276 C.M.S.; and

WHEREAS, additional funding for the Railroad Avenue Streetscape Phase II project was authorized and appropriated by City Council as part of the fiscal year 2007-2009 (\$1,020,000.00), fiscal year 2008-2009 Mid-Cycle (\$880,000.00) and fiscal year 2009-2011 (\$100,000.00) Redevelopment Agency budgets; and

WHEREAS, the Engineer's Estimate for the work is \$1,182,250.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; 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 Railroad Avenue Improvements - Phase II, from Louisiana Street to 98th Avenue (Project No. P330910) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the Contractor's bid therefore, dated July 30, 2009 in the amount of six hundred fifty-seven thousand four hundred ninety-nine dollars (\$657,499.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$657,499.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$657,499.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the 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 and Burk, Inc., on behalf of the City of Oakland and to execute any change orders, amendments, extensions, or modifications to 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, 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