

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 MAR 13 11:06:20

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: March 13, 2007

RE: **Resolution Authorizing Award Of A Construction Contract To Gallagher And Burk, Inc. For Citywide Street Resurfacing (Project No. G287610) For The Amount Of Four Million Eight Hundred Eighty-Eight Thousand Five Hundred Twenty-Seven Dollars (\$4,888,527.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$4,888,527.00 to Gallagher and Burk, Inc. for Citywide Street Resurfacing (Project No. G287610). 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 resurfaced as part of this project.

This project is partially funded by a federal Surface Transportation Program (STP) grant that requires local agencies to use Department of Transportation guidelines for project administration and auditing.

It is recommended that the resolution be approved.

FISCAL IMPACTS

The engineer's estimate for the construction work is \$6,975,000.00 and the construction contract will be in the amount of \$4,888,527.00. The construction budget for this project is \$5,377,000.00.

There are sufficient funds in the project budget for the work. These funds are available in Department of Transportation Fund (2116), Measure B – ACTIA (2211), and State Traffic Congestion Relief - Proposition 42 Fund (2141); Heavy Paving Organization (92480); Street Construction Account (57411); in Project No. G287610, G287620, and C173240. Funds are also available in ACTIA Reimbursable Grants (2214); Engineer Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project No. G282310.

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SUMMARY OF PROJECT FUNDING

FUND	ORG	ACCOUNT	PROJECT	AMOUNT	PERCENT
2116	92480	57411	G287610	\$ 2,238,000	45.78%
2211	92480	57411	G287620	\$ 290,000	5.93%
2141	92480	57411	C173240	\$ 2,210,527	45.22%
2214	92246	57411	G282310	\$ 150,000	3.07%
TOTAL				\$ 4,888,527	100.00%

The amount of available federal STP funds for construction work is \$2,238,000, which require a corresponding 11.47 percent local match of \$290,000. The local match of \$290,000 is being provided by Measure B – ACTIA (2211). This federal STP grant requires that the City of Oakland award a construction contract by March 21, 2007. The City's 1.5 percent assessment for public art is an ineligible cost under this federal STP grant.

BACKGROUND

On January 22, 2007, the City Clerk received six bids for the project. The bids ranged from \$4,888,527.00 to \$7,053,455.00. Gallagher and Burk, Inc. submitted the lowest responsive and responsible bid in the amount of \$4,888,527.00. A summary of the bids is shown on *Attachment B*.

Because of the source of funding, the Department of Transportation program guidelines are used to determine bidder responsiveness and eligibility for this project. There will be Disadvantaged Business Enterprise (DBE) participation of \$100,000.00 (2.05%), which exceeds the project's goal of 0%. The DBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown on *Attachment C*.

The project will rehabilitate streets by slurry sealing approximately 1.2 centerline miles (5.5 lane miles) and resurfacing approximately 6.1 centerline miles (30.7 lane miles) of City streets, as shown in *Attachment A*. 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.

The proposed work consists of approximately 7.3 miles of street improvements, including pavement milling, 10,250 tons of Asphalt Concrete (AC) base repair, 24,000 tons of AC overlay, and 32,250 square yards of slurry sealing; repairs to adjacent concrete curbs, gutters, sidewalks, driveways and curb ramps; and replacement of traffic striping, pavement markers and pavement markings; and other related work indicated on the plans and specifications.

These streets were selected using 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. Streets selected for resurfacing are usually in the PCI ranges of 40 to 55 (Fair) and 56 to 70 (Good). Streets selected for slurry sealing usually have a PCI range of 71 to 85 (Very Good).

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The streets selected for federal STP grant funding are required to meet the following Department of Transportation and Metropolitan Transportation Commission (MTC) criteria:

- a. Streets selected must be Federal Aid System (FAS) streets, which include arterial and collector streets; local residential streets are not eligible for federal funding, and
- b. Street selection is based on street condition and ranking by the City's Pavement Management Program (PMP). The PMP utilizes the algorithm that considers overall pavement condition and available funding to rehabilitate selected streets in a manner that optimizes the funding for best long-term maintenance of the street network.

Consideration is also given to known planned utility projects such as sewer rehabilitation, gas and water replacement that would impact the planned street rehabilitation.

KEY ISSUES AND IMPACTS

Construction work is scheduled to begin in May 2007 and will be completed by April 2009, contingent on weather. The contract specifies \$1,900 in liquidated damages per calendar day if the contract completion time of 520 working days is exceeded. The project schedule is shown on *Attachment B*.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Federal grant 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 2.05 percent. While the LBE/SLBE programs do not apply to this contract, the prime contractor, concrete sub-contactor and trucking firms are 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 a new bike lane on Market Street between 18th Street to W. MacArthur Blvd. 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 \$4,888,527.00 for Citywide Street Resurfacing (Project No. G287610). 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,

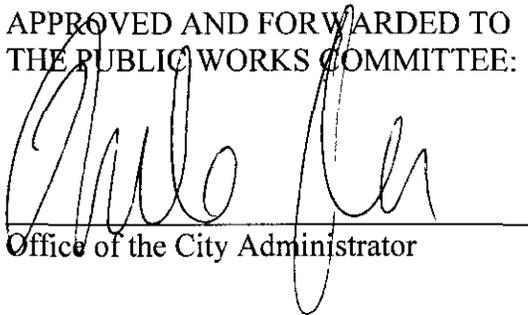


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design & Construction Services Department

Prepared by:
Yader Bermudez, P.E.
Engineering Design and Right-of-Way

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Attachment A

**CITYWIDE STREET RESURFACING
PROJECT NO. G287610
FEDERAL PROJECT NO. STPL-5012-(075)**

RESURFACING

District	Street	From	To	Length (FT)	Area (SY)	PCI
1	Powell St.	Stanford	City Limit	364	2,184	60
1	Stanford Ave.	Powell	San Pablo	382	2,980	48
1	Telegraph Ave.	W MacArthur	40th St.	858	6,673	61
1	Telegraph Ave.	40th St	45th St.	1,506	10,040	61
2	E 12th St.	2nd Ave.	8th Ave.	2,056	13,756	70
2	E 12th St.	8th Ave.	14th Ave.	2,592	17,280	70
2	8th St.	Harrison St.	Broadway	1,077	5,265	73
2	11th St.	Broadway	Madison	2,250	14,000	76
3	Castro St.	2nd St.	5th St.	702	3,354	65
3	MLK Jr. Way	W Grand	27th St.	1,560	9,013	70
3	27th St.	MLK Jr. Way	Telegraph	1,120	10,951	55
3	27th St.	Telegraph	Broadway	1,115	8,672	66
4, 5	High St.	Foothill Blvd.	Brookdale	3,603	20,017	70
4, 5	High St.	Brookdale	Redding	2,646	14,700	70
4	Tiffin Rd.	Waterhouse	Lyman	260	1,156	65
5	35th Ave.	San Leandro	E.12th St.	612	2,868	60
5	35th Ave.	E.12th St.	International	206	916	60
5	35th Ave.	Foothill Blvd.	Harper St.	712	2,373	65
6	Seminary	Camden St.	Sunnymere	4,150	36,889	70
6, 7	San Leandro St.	66th Ave.	Hegenberger	2,326	19,900	67
7	MacArthur Blvd.	Durant	Foothill	2,341	13,006	83

TOTAL: 32,438 215,993
CENTERLINE MILES: 6.1
LANE MILES: 30.7

SLURRY SEALING

District	Street	From	To	Length (FT)	Area (SY)	PCI
1, 3	Market Street	18th St	W. MacArthur	6,260	38,951	70

TOTAL: 6,260 38,951
CENTERLINE MILES: 1.2
LANE MILES: 5.5

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 0 to 100 (where 100 is excellent).
3. Resurfacing on San Leandro St. and MacArthur Blvd. will be coordinated to occur after separate utility underground projects are completed in 2008.

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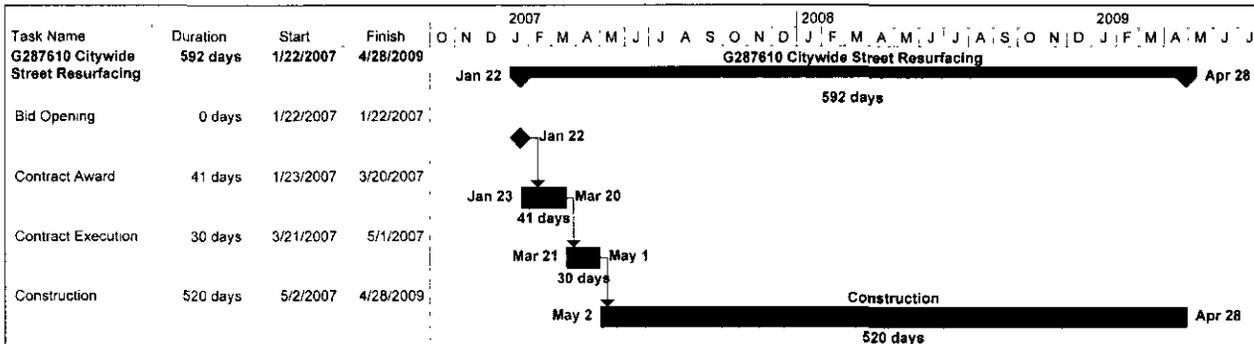
Attachment B

**Citywide Street Resurfacing
(Project G287610)**

List of Bidders

Company	DBE Status	Location	Bid Amount
Gallagher and Burk, Inc.	Uncertified	Oakland	\$ 4,888,527.00
Top Grade Construction	Uncertified	Livermore	\$ 5,817,045.00
McGuire and Hester	Uncertified	Oakland	\$ 5,935,176.25
Granite Rock Company DBA Pavex Construction Div.	Uncertified	Oakland	\$ 7,053,455.00
Bay Cities Paving & Grading	Uncertified	Oakland	\$ 6,054,949.00
Ghilotti Construction Co.	Uncertified	Santa Rosa	\$ 7,327,915.00

Project Schedule



Attachment C

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Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick - Contract Administrator Supervisor
From: Dasco Munoz - CC&ES Contract Compliance Officer
Through: Deborah Barnes - CC&ES Manager *Deborah Barnes*
CC: Project Manager
Date: February 14, 2007

Re: Citywide Street Resurfacing, Project No. G287610

Contract Compliance & Employment Services reviewed six (6) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the DBE participation and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount	DBE Goal	Total DBE Participation	EBO Compliant ? Y/N
Gallagher & Burk, Inc.	\$4,888,527.00	0%	2.05%	Y
Top Grade Construction	\$5,817,045.00	0%	5.16%	Y
Mcguire & Hester	\$5,935,176.25	0%	7.41%	Y
Granite Rock Company DBA Pavex Construction Div.	\$7,053,455.00	0%	0.00%	Y
Bay Cities Paving & Grading	\$6,054,949.00	0%	11.46%	Y
Ghilotti Construction Co.	\$7,327,915.00	0%	2.21%	Y

As noted above, all contractors are in compliance with EBO. This project is under Caltrans' race neutral DBE program.

Should you have any questions you may contact me at 238-3970

DBE Participation Bidder 1

Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation		
		Under/Over Engineers Estimate: -2,086,473.00								
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE
PRIME	Gallagher & Burk, Inc.	Oakland	UB				3,488,527.00	C		
Concrete	AJW Construction	Oakland	UB				1,000,000.00	H		
Slurry Seal	Bond Blacktop	Union City	UB				50,000.00	C		
Striping	Riley's	Union City	UB				200,000.00	C		
Trucking	Williams Trucking	Oakland	CB	50,000.00	50,000.00	50,000.00	50,000.00	AA	50,000.00	
Trucking	MAG	Hayward	UB				50,000.00	C		
Trucking	Monroe	Oakland	CB	50,000.00	50,000.00	50,000.00	50,000.00	AA	50,000.00	
Project Totals							4,888,527.00		\$100,000.00	\$0.00
				2.05%	66.67%	100.00%				
				DBE Goal 0%						
Legend								Ethnicity		
CB- Certified DBE Business UB- Uncertified Business								AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		

DBE Participation Bidder 2

Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation			
		Under/Over Engineers Estimate: -1,157,955.00									
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE	
PRIME	Top Grade Construction	Livermore	UB				2,108,471.00	C			
Concrete	Rosas Brothers Construction	Oakland	UB				982,488.00	H			
Slurry & Crack Seal	Bond Black Top	Union City	UB				81,423.00	C			
Striping	Striping Graphics	Petaluma	UB				331,913.00	H			
Survey	Construction Survey	Lafayette	UB				61,000.00	C			
Monuments											
Trucking	Monroe Trucking	Oakland	CB	150,000.00	150,000.00	150,000.00	150,000.00	AA	150,000.00		
Trucking	Williams Trucking	Oakland	CB	150,000.00	150,000.00	150,000.00	150,000.00	AA	150,000.00		
Material Supplier	Desilva Gates - Gallagher & Burk	Dublin	UB				1,645,750.00	C			
Material Supplier	Central Concrete	Oakland	UB				156,000.00	C			
Trucking	Mag Trucking	Hayward	UB				150,000.00	C			
Project Totals					300,000.00	300,000.00	300,000.00	5,817,045.00		\$300,000.00	\$0.00
				5.16%	100.00%	100.00%					
				DBE Goal 0%							
Legend								Ethnicity			
CB- Certified DBE Business								AA = African American			
UB- Uncertified Business								AI = Asian Indian			
								AP = Asian Pacific			
								C = Caucasian			
								H = Hispanic			
								NA = Native American			
								O = Other			
								NL = Not Listed			

DBE Participation Bidder 3

Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation		
		Under/Over Engineers Estimate: -1,039,823.75								
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE
PRIME	Mcguire & Hester	Oakland	UB				3,328,598.25	C		
Striping	Riley's Striping	Union City	UB				280,178.00	C		
Crack & Slurry Seal	Bond Blacktop, Inc.	Union City	UB				66,400.00	C		
Trucking	Williams Trucking	Oakland	CB	220,000.00	220,000.00	220,000.00	220,000.00	AA	220,000.00	
Trucking	Monroe Trucking	Oakland	CB	220,000.00	220,000.00	220,000.00	220,000.00	AA	220,000.00	
Trucking	Mag Trucking	Hayward	UB			220,000.00	220,000.00	C		
Asphalt Materials	Dutra Materials	San Rafael	UB				1,600,000.00	C		
Project Totals				440,000.00	440,000.00	660,000.00	5,935,176.25		\$440,000.00	\$0.00
				7.41%	66.67%	100.00%				
				DBE Goal 0%						
Legend								Ethnicity		
CB- Certified DBE Business								AA = African American		
UB- Uncertified Business								AI = Asian Indian		
								AP = Asian Pacific		
								C = Caucasian		
								H = Hispanic		
								NA = Native American		
								O = Other		
								NL = Not Listed		

DBE Participation Bidder 4

Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation			
		Under/Over Engineers Estimate: 78,455.00									
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE	
PRIME	Granite Rock Company DBA Pavex Construction Div.	Oakland	UB				5,303,455.00	C			
Adjust Casting	Union City Construction	Fremont	UB				260,000.00	C			
Minor Concrete	AJW Construction	Oakland	UB				1,100,000.00	H			
Slurry Seal	Bond Black Top	Union City	UB				70,000.00	C			
Striping	Striping Graphics	Petaluma	UB				320,000.00	C			
Project Totals				0.00	0.00	0.00	7,053,455.00		\$0.00	\$0.00	
				0.00%	0.00%	100.00%					
				DBE Goal 0%							
Legend								Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
				CB- Certified DBE Business UB- Uncertified Business							

DBE Participation Bidder 5

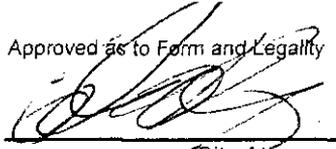
Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation			
		Under/Over Engineers Estimate: -920,051.00									
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE	
PRIME Asphalt Concrete Trucking (partial) Concrete Crack Seal & Slurry Seal Survey Monuments Utilities Monuments Striping Pavement Grinding	Bay Cities Paving & Grading	Oakland	UB				1,771,868.50	C			
	Vulcan Materials	Livermore	UB				1,694,690.00	C			
	CJC Trucking	Oakland	CB				180,000.00	AA	180,000.00		
	AJW Construction	Oakland	UB				1,179,950.00	H			
	Bond Blacktop	Union City	UB				81,422.50	C			
	Construction Survey	Lafayette	UB				81,200.00	C			
	Union City Construction	Fremont	UB				43,160.00	C			
	Striping Graphics	Petaluma	UB				328,912.00	C			
	ABSL Construcion	Hayward	CB		693,746.00			693,746.00	H	693,746.00	
	Project Totals					693,746.00	0.00	0.00		\$873,746.00	\$0.00
					11.46%	0.00%	100.00%				
					DBE Goal 0%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		CB- Certified DBE Business UB- Uncertified Business									

DBE Participation Bidder 6

Project Name: Citywide Street Resurfacing Project

Project No.: G287610		Engineers Estimate: 6,975,000.00						Certified DBE Participation		
		Under/Over Engineers Estimate: 352,915.00								
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE
PRIME	Ghilotti Construction Co.	Santa Rosa	UB				4,734,815.00			
Grinding	ABSL Construction	Hayward	CB	161,700.00			161,700.00	H	161,700.00	
Hauling	Mag Trucking	Hayward	UB				81,500.00	C		
Supply AC	Desilva Gates	Dublin	UB				1,648,000.00	C		
Crack Seal & Slurry Seal	Bond Blacktop	Union City	UB				81,400.00	C		
Survey Monuments	BKF	Walnut Creek	UB				39,600.00	C		
Concrete	Berkeley Ready Mix	Berkeley	UB				252,000.00	C		
Striping Markers	Striping Graphics	Petaluma	UB				328,900.00	C		
Project Totals					161,700.00	0.00	0.00		\$161,700.00	\$0.00
					2.21%	0.00%	100.00%			
					DBE Goal 0%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		CB- Certified DBE Business UB- Uncertified Business								

Approved as to Form and Legality

City Attorney

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

OAKLAND CITY COUNCIL

2007 MAR -1 PM 6:20 RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. FOR CITYWIDE STREET RESURFACING (PROJECT NO. G287610) FOR THE AMOUNT OF FOUR MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED TWENTY-SEVEN DOLLARS (\$4,888,527.00)

WHEREAS, the City of Oakland was awarded a federal Surface Transportation Program (STP) grant for street rehabilitation; and

WHEREAS, this federal Surface Transportation Program grant requires a local match of 11.47 percent; and

WHEREAS, this federal Surface Transportation Program grant has a construction contract award deadline of March 21, 2007; and

WHEREAS, on January 22, 2007, six bids were received by the Office of the City Clerk of the City of Oakland for Citywide Street Resurfacing (Project No. G287610); and

WHEREAS, Gallagher & Burk, Inc. is the lowest responsible bidder for the project and has met the Disadvantaged Business Enterprise (DBE) requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in Department of Transportation Fund (2116), Measure B – ACTIA (2211), and State Traffic Congestion Relief - Proposition 42 Fund (2141); Heavy Paving Organization (92480); Street Construction Account (57411); in Project No. G287610, G287620, and C173240; and in ACTIA Reimbursable Grants (2214); Engineer Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project No. G282310; and

WHEREAS, the engineer's estimate for the work is \$6,975,000.00; 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 Citywide Street Resurfacing (Project No. G287610) is hereby awarded to Gallagher & Burk, Inc., in accordance with the terms of contractor's bid therefore, dated January 22, 2007 in the amount of four million, eight hundred eighty-eight thousand, five hundred and twenty-seven dollars (\$4,888,527.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$4,888,527.00, 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, \$4,888,527.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works 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