

AGENDA REPORT

Resolution: Delegate Authority to Approve Plans and Project Manual to the Director of Engineering and Authorize the Executive Director to Enter into a Contract with Oliver De Silva Inc. dba Gallagher & Burk, Inc. in the amount of \$379,355 for the Berths 35-38 Pavement Replacement, Oakland, California Project. **(Engineering)**

MEETING DATE: 4/12/2018

AMOUNT: \$379,355 Contract Authority
Operating Expense

PARTIES INVOLVED: Oliver De Silva Inc. dba Gallagher & Burk Inc.
Oakland, California
David DeSilva

SUBMITTED BY: Chris Chan, Director of Engineering

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

Staff is requesting a Resolution to delegate authority to approve the Plans and Project Manual to the Director of Engineering and authorize the Executive Director to enter into a contract with Oliver De Silva Inc. dba Gallagher & Burk, Inc. in the amount of \$379,355 for the Berths 35-38 Pavement Replacement, Oakland, California Project.

BACKGROUND

The Non-Exclusive Preferential Assignment Agreement ("NEPAA") with Everport Terminal Services, Inc. ("Tenant"), dated April 16, 2002, obligates the Port of Oakland ("Port") to maintain pavement that has degraded from reasonable wear and tear.

Staff identified two areas within the terminal that requires pavement maintenance: Area 1, which is approximately 75,000 square feet of Berth 35 stringer pavement, located between the two crane rails and Area 2 which is approximately 85,000 square feet of Berth 38 backlands pavement where reefer chassis are parked. Pavement at both locations are in high traffic areas and exhibit substantial longitudinal cracking.

ANALYSIS

The Berths 35-38 Pavement Replacement, Oakland, California Project (“Project”) is an “in-kind” replacement of the existing asphalt pavement located at Berths 35-38. The work consists of milling existing asphalt pavement to a depth of 3”, hauling asphalt grindings off-site, and installing new asphalt pavement. The projected life of the newly placed asphalt pavement is expected to be three to five years, depending on use.

The plans and project manual have been completed and the Project was advertised on February 23, 2018 on ebid board and the Port of Oakland’s website. Bids for the Project were opened publicly on March 16, 2018. The Port received three bids for the Project from the following bidders:

Contractor (Bidder)	Location	Bid Amount	Certified LIA/LBA
Oliver De Silva Inc. dba Gallagher & Burk Inc.	Oakland, CA	\$379,355.00	LIA
O. C. Jones & Sons	Oakland, CA	\$434,662.50	LIA
Redgwick Construction Co.	Oakland, CA	\$659,025.00	LIA

Staff determined that Oliver de Silva, Inc. dba Gallagher & Burk, Inc. is responsive and responsible because they are appropriately licensed and are in good standing with the Contractors State License Board, their bid demonstrates that they can perform the work as specified in the contract documents, they have submitted all required documentation, and they have submitted an unconditional offer to provide the work as specified in the contract documents.

BUDGET & STAFFING

There is no budget impact as this expenditure was included in the Adopted FY 2018 Operating Expense Budget. This request is for contractual authority to implement the Work.

The proposed action does not have any staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (“MAPLA”)

This contract is for Major Maintenance and is not part of the Port’s Capital Improvement Plan (CIP) and therefore the provisions of the MAPLA do not apply to this work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port’s Strategic Business Plan 2018-2022. <https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Improve Customer Service
- Goal: Modernize and Maintain Infrastructure

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the contract is a construction contract covered by state prevailing wage rules and the prevailing rate of wage is higher than the wage required by the Living Wage Regulations.

ENVIRONMENTAL

CEQA Determination: This action was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines. The Port has determined that this project, the repair of existing pavement at Berths 35-38, is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities. Section 15301 exempts from CEQA the repair, maintenance, and minor alteration of existing structures and facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

GENERAL PLAN

This project involves maintenance of existing facilities being used in conformance with the Oakland General Plan, pursuant to Section 727 of the City of Oakland Charter, and will not change the use of any facility(ies).

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This project is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not a capital improvement construction project.

OPTIONS

Staff has identified the following options for the Board's consideration:

1. Approve the actions as outlined in this agenda report. This is the recommended action.
2. Delay replacement of asphalt pavement at Berths 35-38 until the next fiscal year; do not delegate the authority to approve the plans and project manual to the Director of Engineering; do not authorize the Executive Director to enter into a contract with Oliver De Silva Inc. dba Gallagher & Burk Inc.; and authorize the Executive Director to reject all bids and return all bid securities.

RECOMMENDATION

Staff recommends that the Board adopt a resolution to:

1. Delegate the authority to approve the Plans and Project Manual to the Director of Engineering; and
2. Authorize the Executive Director to enter into a contract with Oliver De Silva Inc. dba Gallagher & Burk, Inc. in the amount of \$379,355 for the Berths 35-38 Pavement Replacement, Oakland, California Project.