

OAKLAND CITY COUNCILFILED
OFFICE OF THE CITY CLERK
OAKLANDRESOLUTION No. 82348 C.M.S.

2009 SEP 31 PM 2:49

Introduced by Councilmember PROJECT - 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, OCT 20 2009, 20


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California