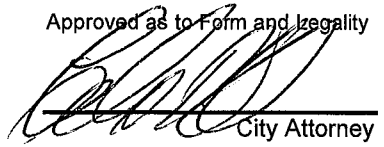


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 AM 11:42

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 86290 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND BIDDING REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT WITH GALLAGHER & BURK, INC., IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF CITYWIDE PREVENTIVE MAINTENANCE RESURFACING (PROJECT NO. C427720) IN THE AMOUNT OF THREE MILLION NINE HUNDRED FIFTY THOUSAND SEVEN HUNDRED TWENTY-THREE DOLLARS AND SEVENTY CENTS (\$3,950,723.70)

WHEREAS, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council adopted Resolution No. 85227 C.M.S. establishing a Prioritization Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, On June 2, 2016, the City Clerk received two bids for this project in the amount of \$3,950,723.70 and \$5,259,688.10 for the Construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720) and there were no responsible and responsive bidders for the project; and

WHEREAS, the lowest bidder is Gallagher & Burk, Inc. and their Local Business Certification had lapsed; and

WHEREAS, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 71%, which exceeds the City's 50% LBE/SLBE requirement if their certification had not lapsed; and

WHEREAS, timely award of the construction contract will allow paving to start this year; and

WHEREAS, Gallagher & Burk, Inc. has already renewed their Local Business Certification and would meet the LBE/SLBE requirement; and

WHEREAS, it is in the best interest of the City to reject all bids, waive further advertising and bidding requirements, and authorize the City Administrator or designee to negotiate and execute a construction contract with Gallagher & Burk, Inc., in accordance with plans and specifications for the construction of citywide preventive maintenance resurfacing (project no. C427720) in the amount of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars and Seventy Cents (\$3,950,723.70); and

WHEREAS, streets selected are from the City's Prioritized Paving Plan with the exception of Martin Luther King, Jr. Way; and

WHEREAS, a separate Resolution is presented for approval to include allocating Measure BB Local Streets And Roads And Bike Fund (2216) Funds for the paving of Martin Luther King, Jr. Way; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, sufficient funding is available in the following accounts:

- Measure BB Local Streets and Roads Fund (2216) Appropriation; Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C491141; \$3,882,723.70
- Measure BB Bike Fund (2216) Appropriation; Transportation, Planning, and Funding Organization (92260); Street Construction Account (57411); Project No. C491220; \$68,000.00; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to negotiate and execute a construction contract for Construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720) with Gallagher and Burk, Inc., in accordance with plans and specifications for the Project and contractor's bid therefore, dated June 2nd, 2016, in an amount of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars and Seventy Cents (\$3,950,723.70); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance 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, shall be 100% of the contract price and are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That all other bids are hereby rejected and further advertising and bidding requirements are waived; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, July 19, 2016
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL, WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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