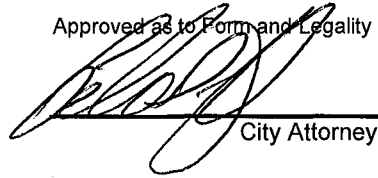


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City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION NO. 86985 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF CITYWIDE PAVEMENT REHABILITATION PROGRAM (PROJECT NO. 1003298 REBID) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF EIGHT MILLION FOUR HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED NINETY-THREE DOLLARS (\$8,476,293.00)**

**WHEREAS**, on October 5, 2017, two bids were received by the Office of the City Clerk of the City of Oakland for the construction of Citywide Pavement Rehabilitation Program (Project No. 1003298 Rebid); and

**WHEREAS**, Gallagher and Burk, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account as part of FY 2017-18 budget in Measure KK Fund (5330) and Measure BB Fund (2216), Engineer Design Streets and Structures Organization (92242), Street Construction Account (57411), and Project No. 1001293; and

**WHEREAS**, the street rehabilitation program works to preserve the City's infrastructure; and

**WHEREAS**, the City Council finds and determines base on the representation set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, Gallagher and Burk, complies with all LBE/SBLE and trucking requirements; 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 service now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract to Gallagher and Burk, Inc. the lowest responsive and responsible bidder for Citywide Pavement Rehabilitation Program (Project No.1003298 Rebid) and with contractor's bid in the amount of eight million four hundred seventy-six thousand two hundred ninety-three dollars (\$8,476,293.00) and in accordance with plans and specifications for the Project and contractor's bid dated October 5, 2017; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$8,476,293.00; and the bond to guarantee payment of all claims for labor and material furnished and for the amount under the Unemployment Insurance Act, \$8,476,293.00 with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** The City Administrator, or designee, is hereby authorized to enter into a contract with Gallagher and Burk, Inc. on behalf of the City of Oakland and to execute any amendments or modification of the contract within the limitation of the project specification; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Gallagher and Burk, Inc fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; 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 the City Administrator, or designee, is hereby authorized to reject all other bids; 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

**NOV 28 2017**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

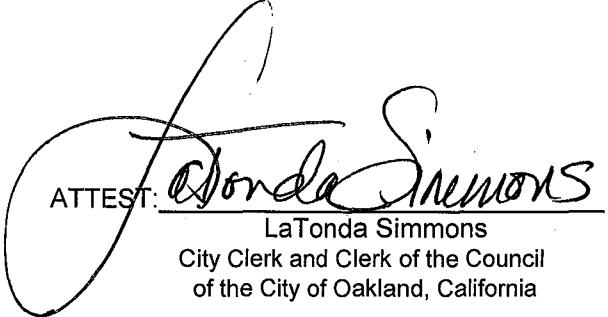
**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~XXXXXXXX~~, CAMPBELL, WASHINGTON, GALLO, GIBSON, MCELHANEY, GUILLEN, KALB, ~~XXXXXXXX~~ and PRESIDENT REID - 6

NOES - 0

ABSENT - 0

ABSTENTION - Brooks, Kaplan - 2

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