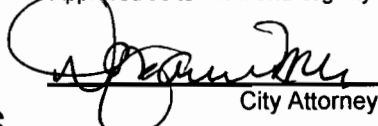


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 82861 C.M.S.

2010 JUN 10 PM 1:29

Introduced by Councilmember _____

RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF VARIOUS STREETS AND ROADS AND PREVENTIVE MAINTENANCE (PROJECT NO. C388010) TO GALLAGHER & BURK, INC., THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID THEREFOR IN THE AMOUNT OF ONE MILLION ONE HUNDRED FORTY-FOUR THOUSAND FOUR HUNDRED NINETY- EIGHT DOLLARS AND NINETY-FIVE CENTS (\$1,144,498.95)

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) grant, and the Metropolitan Transportation Commission Program Grant (2163) funding for the ARRA grant was approved and appropriated by City Council on June 16, 2009, per Resolution No. 82094 C.M.S.; and

WHEREAS, this grant money will be moved to Fund 2606, a new fund established for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA funds; and

WHEREAS, there are sufficient funds in the project budget for the work and funding for this work is available in the following project account: Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C388010; and

WHEREAS, this federal grant has a construction award deadline of June 30, 2010; and

WHEREAS, on April 1st, 2010, four bids were received by the Office of the City Clerk of the City of Oakland for Various Streets and Roads Preventive Maintenance (Project No. C388010), the Engineer's Estimate for the work is \$1,326,434.80 and Gallagher & Burk, Inc., is the lowest responsible, responsive bidder for the project, with a bid of \$1,144,498.95; and

WHEREAS, the ARRA grant requires contractors to meet federal Underutilized Disadvantaged Business Enterprise (UDBE) program requirements and Gallagher & Burk, Inc. meets these requirements; 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 in the public interest because of the economy; and

WHEREAS, the City Council finds and determines 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, the City of Oakland's streets 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 recently adopted a 5-Year Paving Plan for FY 07-12, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, only Federal Aid Urban (FAU) eligible streets may be selected for this project; and

WHEREAS, the project locations associated with this project are selected from the City's 5-Year Paving Plan for FY 07-12 and are FAU eligible; and

WHEREAS, the Department of Transportation has determined the project documents and plans are eligible for federal funding; 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; now, therefore be it

RESOLVED: That the contract for Various Streets and Roads Resurfacing (Project No. C388010) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the contractor's bid therefore, dated April 1, 2010 in the amount of One Million One Hundred Forty Four Thousand Four Hundred Ninety Eight Dollars And Ninety-Five Cents (\$1,144,498.95); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,144,498.95, 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, \$1,144,498.95, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of CEDA 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 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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 6 2010, 20

PASSED BY THE FOLLOWING VOTE:

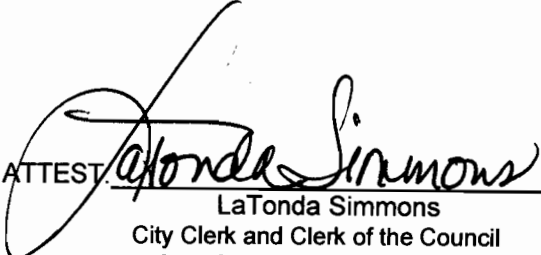
AYES - ~~BRUNNER, DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 6

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

Excused - De La Fuente - 1

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