

City Attorney

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

OAKLAND CITY COUNCIL

 2008 DEC -4 AM 9:52 RESOLUTION No. 81738 C.M.S.

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., FOR CITYWIDE STREET RESURFACING FY 2007-2008 (PROJECT NO. G339610), IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED NINETY-FIVE THOUSAND AND SEVENTY DOLLARS (\$1,895,070.00)

WHEREAS, the City of Oakland was awarded a federal Surface Transportation Program (STP) grant for street rehabilitation; and

WHEREAS, this federal STP grant requires a local match of 11.47 percent; and

WHEREAS, Department of Transportation Fund (2116) grant funding for the street resurfacing project was approved and appropriated by City Council on May 2, 2006, Resolution No. 79875. Local matching funds for this project were appropriated in FY 07-08 using Measure B-ACTIA Fund (2211); and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this work is available in the following project accounts:

- Department of Transportation Fund (2116); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339610; \$1,677,705.00.
- Measure B – ACTIA (2211); Heavy Paving Organization (92242); Street Construction Account (57411); Project No. G339620; \$217,365.00; and

WHEREAS, this federal STP grant has a construction award deadline of January 11, 2008; and

WHEREAS, on October 20th, 2008, five bids were received by the Office of the City Clerk of the City of Oakland for Citywide Street Resurfacing FY 2007-2008 (Project No. G339610); and

WHEREAS, Gallagher & Burk, Inc., is the lowest responsible bidder for the project and has met the federal Disadvantaged Business Enterprise (DBE) requirements; and

WHEREAS, the Engineer's Estimate for the work is \$2,191,240.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs, and

WHEREAS, 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 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; 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 System (FAS) 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 FAS 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 Citywide Street Resurfacing FY 2007-2008 (Project No. G339610) is hereby awarded to Gallagher and Burk, Inc., in accordance with the terms of the contractor's bid therefore, dated October 20, 2008 in the amount of one million, eight hundred ninety-five thousand and seventy dollars (\$1,895,070.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,895,070.00, 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, \$1,895,070.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the City Engineer 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

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, JAN - 6 2009, 20


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, ^{Kaylan}~~QUAN~~, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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