

City Attorney

2014 APR 16 AM 11:14

OAKLAND CITY COUNCIL

RESOLUTION No. 84953 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET RESURFACING (PROJECT NO. C369640) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS AND SIXTY-FOUR CENTS (\$5,397,128.64)

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. 81039 C.M.S. establishing a 5-Year Paving Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, on March 6, 2014, the City conducted bidding for this project and received only one bid from Gallagher and Burk, Inc.; and

WHEREAS, the project locations associated with this project are selected following the above said plan; 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, there are sufficient Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$3,785,000.00; and

WHEREAS, there are sufficient Measure B Bicycle/Pedestrian Design (2212); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369641); \$400,000.00; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$712,128.64;

WHEREAS, there are sufficient Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$500,000.00 now, therefore be it,

RESOLVED: That the contract for the Citywide Street Resurfacing Project No. C369640 is awarded to Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated March 6, 2014, in the amount of Five Million Three Hundred Ninety-Seven Thousand One Hundred Twenty-Eight Dollars and Sixty-Four Cents (\$5,397,128.64) 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 his/her designee, are hereby approved; 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 and placed on file in the Office of the City Clerk.

MAY 6 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

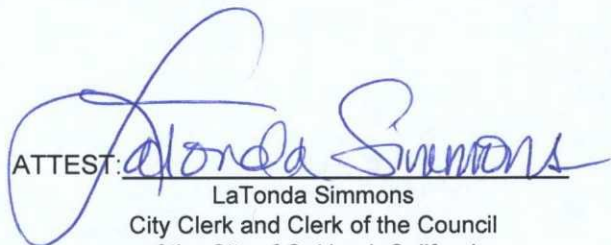
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, ~~GIBSON~~ MCELHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF and PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - REID & GIBSON McElhaneey

ABSTENTION - 0

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