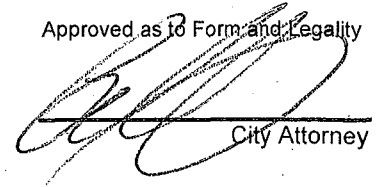


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB -7 PM 4:38

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR AWARD A CONSTRUCTION CONTRACT FOR AS-NEEDED PAVEMENT REHABILITATION SERVICES TO GALLAGHER & BURKE, INC., IN ACCORDANCE WITH CONTRACTOR'S BID IN AN AMOUNT NOT TO EXCEED TEN MILLION, NINE HUNDRED AND NINETY-FOUR THOUSAND, SIX HUNDRED DOLLARS (\$10,994,600.00).

WHEREAS, on January 24, 2019, two bids were received by the Office of the City Clerk of the City of Oakland for the On-Call Citywide Pavement Rehabilitation Project; and

WHEREAS, the bid from Gallagher & Burke, Inc., a responsive, responsible, and certified LBE bidder, was a responsive and responsible bidder for the project; and

WHEREAS, Gallagher & Burke, Inc. complies with all LBE/SBLE and trucking requirements; and

WHEREAS, funding for this project is available in the following project account as part of FY 2017-19 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;

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

WHEREAS, with the passage of Measure BB and Measure KK, the City has grown in-house capacity to pave Oakland streets by budgeting for new equipment and two new street repair crews; however, this "ramp-up" has taken time to realize; and

WHEREAS, significant efforts are underway to ensure street repair crew positions are filled to support the 2019 high season for repaving; and

WHEREAS, such on-call paving contract provides a safeguard to ensure an increased number of paved miles in 2019, while the priority remains on growing the City's capacity to deliver this work in-house; and

WHEREAS, the City Council finds and determines based 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 would benefit from maintaining a list of pre-qualified contractors to perform paving work on an on-call basis so it can promptly respond to and provide construction services in an efficient and timely manner; and

WHEREAS, the City Council may waive the advertising and bidding requirements of the Oakland Municipal Code (OMC) under section 2.04.050.I.5 upon a finding that it is in the best interest to do so; and

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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; 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, having found and determined that it is in the best interest to do so, the City Council waives further competitive bidding and advertising under section per Oakland Municipal Code (OMC) section 2.04.050.I.5; and be it

FURTHER RESOLVED: That the City Administrator is authorized to award a construction contract to Gallagher & Burke, Inc. with contractor's bid in the amount of ten million, nine hundred and ninety-four thousand, six hundred dollars (\$10,994,600.00) and in accordance with the contractor's bid dated January 24, 2019; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, 10,994,600.00; and the bond to guarantee payment of all claims for labor and material furnished and for the amount under the Unemployment Insurance Act, \$10,994,600.00 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 & Burke 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 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 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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