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OFFICE OF THE CITY CLERK
OAKLAND

2012 NOV 14 PM 4:06

Approved As To Form & Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 84108 C.M.S.

RESOLUTION:

AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC. IN ACCORD WITH PLANS AND SPECIFICATIONS FOR VARIOUS STREET RESURFACING AND BIKEWAY FACILITIES NO. G427410 AND CONTRACTOR'S BID THEREFOR, FOR SIX MILLION TWO HUNDRED SEVENTY-NINE THREE HUNDRED SIXTY-ONE DOLLARS (\$6,279,361.00)

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, Funding for this street resurfacing project is from the Alameda County Transportation Commission's (ACTC) Block Grant Program, funded and programmed by the Metropolitan Transportation Commission (MTC) with federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) funds; and

WHEREAS, this grant money will be moved to Fund 2163, a new fund established for appropriation and expenditures of ACTC grant, in accordance with published Fiscal Tracking and Reporting Requirements for STP and CMAQ funds; and

WHEREAS, on September 12, 2012 one bid was received by the Office of the City Clerk of the City of Oakland for Various Street Resurfacing and Bikeway Facilities (Project No. G427410), the Engineer's Estimate for the work is \$6,444,341.44 and Gallagher & Burk, Inc., is the lowest responsible, responsive bidder for the project, with a bid of \$6,279,361.00; and

WHEREAS, the grant requires contractors to meet federal Underutilized Disadvantaged Business Enterprise (UDBE) program requirements and Contractor 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 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, 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 the FY07-12, 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

WHEREAS, there are sufficient Metropolitan Transportation Commission (MTC) federal Surface Transportation Program (STP) Fund (2163); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. G427410; \$3,067,000.00; and

WHEREAS, there are sufficient Metropolitan Transportation Commission (MTC) Congestion Mitigation and Air Quality Improvement (CMAQ) Fund (2163); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. G427410; \$425,000.00; and

WHEREAS, there are sufficient Local Match Fund Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. G427420; \$400,000.00; and

WHEREAS, there are sufficient Local Match Fund Measure B Bicycle and Pedestrian Fund (2212); Capital Project-Engineering and Design (92246), Street Construction Account (57411); Project No. G427430; \$56,400.00; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C427810; \$2,330,961.00; and be it

FURTHER RESOLVED: That the contract for the Various Street Resurfacing and Bikeway Facilities Project No. G427410 is awarded to Gallagher & Burk, Inc., the lowest responsible, responsive bidder, in accordance with the plans and specifications for the Project and contractor's bid therefor, dated September 12, 2012, in the amount of Six Million Two Hundred Seventy-Nine Three Hundred Sixty-One Dollars (\$6,279,361.00) 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 by the Assistant Director of the Public Works Agency for this project, and reviewed and adopted by the City Engineer, are hereby approved; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 4 2012, 20

PASSED BY THE FOLLOWING VOTE:

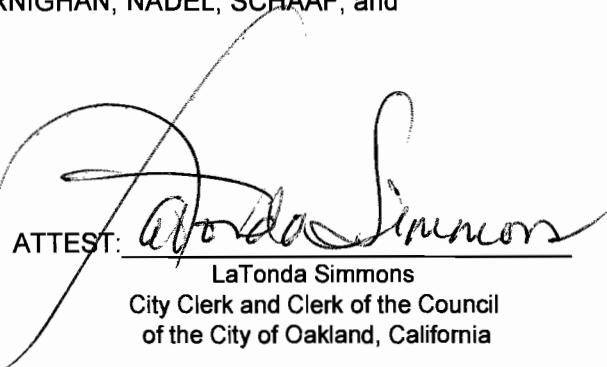
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

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