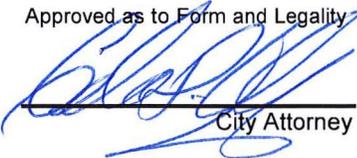


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 AUG 32 PM 3:39

OAKLAND CITY COUNCIL

Approved as to Form and Legality  
  
City Attorney

RESOLUTION No. 85802 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF VARIOUS STREETS REHABILITATION (PROJECT NO. C476510) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SEVEN HUNDRED NINETEEN THOUSAND SEVEN HUNDRED NINETEEN DOLLARS (\$3,719,719.00)**

**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) One Bay Area Grant (OBAG), funded and programmed through the Metropolitan Transportation Commission (MTC) using federal Surface Transportation (STP) funds; and

**WHEREAS**, on July 17, 2015 one bid was received by the Office of the City Clerk of the City of Oakland for Various Streets Rehabilitation (Project No. C476510), and Gallagher & Burk, Inc., is deemed responsible and responsive bidder for the project, with a bid of \$3,719,719.00; and

**WHEREAS**, the grant requires contractors to meet federal Disadvantaged Business Enterprise (DBE) 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 adopted a City Prioritized Paving Plan on October of 2014, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

**WHEREAS**, streets selected are from the City's Prioritized Paving Plan and are Federal Aid Urban (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**, sufficient funding is available in the following accounts:

- Metropolitan Transportation Commission (MTC) federal Surface Transportation Program (STP) Fund (2163); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C476510; \$3,293,067.23.
- Vehicle Registration Fee Fund (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C458810; \$426,651.77

**RESOLVED:** That the contract for Various Streets Rehabilitation (Project No. C476510) is awarded to Gallagher and Burk, Inc., the lowest responsive and responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated July 17<sup>th</sup>, 2015, in an amount of Three Million Seven Hundred Nineteen Thousand Seven Hundred Nineteen Dollars (\$3,719,719.00) and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$3,719,719.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$3,719,719.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with Gallagher and Burk, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; 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 City Administrator, or designee, is hereby authorized to reject all other bids; 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.

OCT 06 2015

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

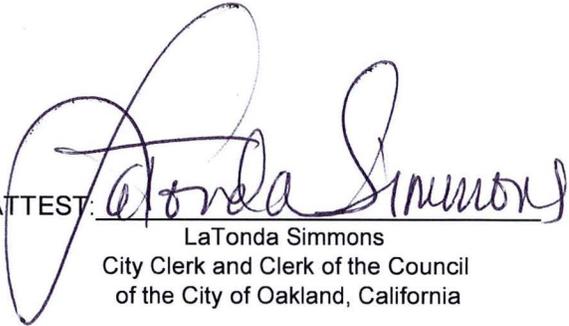
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY -8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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