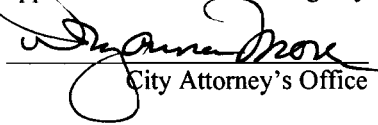


OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

APR 12 PM 9:54

Approved As To Form & Legality

  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION No. 83384 C.M.S.

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**RESOLUTION:**

- 1) **AWARDING A CONSTRUCTION CONTRACT, IN ACCORD WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET REHABILITATION AND RECONSTRUCTION PHASE I PROJECT NO. C369620 AND CONTRACTOR'S BID THEREFOR, TO GALLAGHER & BURK, INC. IN THE AMOUNT OF THREE MILLION SEVEN HUNDRED TWENTY-EIGHT THOUSAND FOUR HUNDRED THREE DOLLARS (\$3,728,403.00), AND**
  
- 2) **WAIVING ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO AWARD ADDITIONAL WORK UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) TO THE CONTRACT, FOR A TOTAL CONTRACT AUTHORIZATION OF FOUR MILLION FOUR HUNDRED SEVENTY-EIGHT THOUSAND FOUR HUNDRED THREE DOLLARS (\$4,478.403.00)**

**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**, the Proposition 1B bond revenues must be invested in improving local streets, roads, and/or other priority local transportation projects; and

**WHEREAS**, eligible projects for Proposition 1B are those that reduce congestion, increase traffic safety, or rehabilitate and maintain local roads; 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**, the projects associated with the 5-Year Paving Plan are eligible for the Proposition 1B Funds; and

**WHEREAS**, the project locations associated with this project are selected from the City's 5-Year Paving Plan; and

**WHEREAS**, the City Council adopted the target of eighty percent (80%) of available street rehabilitation funds each year be dedicated to rehabilitating streets from the 5-Year Paving Plan, and that the remaining twenty percent (20%) of available funds will be dedicated to rehabilitation selected "worst streets"; 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**, there are sufficient Proposition 1B funds in the project budget for the work and funding for this work is available in the following project account: (2165); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369620; \$2,600,000.00; and

**WHEREAS**, there are sufficient Proposition 42 funds in the project budget for the work and funding for this work is available in the following project account: (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369710; \$1,128,403.00; and

**WHEREAS**, the City advertised and issued a solicitation for bids for Citywide Street Rehabilitation and Reconstruction Phase I (Project No. C369620) on March 11, 2011 with an Engineer's Estimate for the work of \$5,133,212.00, and received three bids for the project on April 7, 2011 from: Gallagher and Burk, Inc.- \$3,728,403.00, Bay Cities Construction - \$4,086,688.80, and Ghilotti Brothers, Inc. - \$4,120,481.00; and

**WHEREAS**, staff recommends that it is in the best interests of the City, in light of the favorable bidding environment and low bids, that the Council waive advertising and bidding requirements for additional work not included in the notice inviting bids and authorize the City Administrator or his designee to increase the contract up to Seven Hundred Fifty Thousand Dollars (\$750,000.00), to add additional work to the contract under the same terms and conditions as the original contract awarded to Gallagher and Burk, Inc.; and

**WHEREAS**, Oakland Municipal Code Title 2, Chapter 2.04.050.I (5) permits the dispensing of advertising and bidding upon a finding by the Council that it is in the best interests of the City to do so; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary repairs and that the performance of this contract is in the public interest because of the economy; and

**WHEREAS**, the City Administrator 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; now, therefore, be it

**RESOLVED:** That the contract for the Citywide Street Rehabilitation and Reconstruction Phase I Project No. C369620 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 April 7, 2011, in the amount of Three Million Seven Hundred Twenty-Eight Thousand Four Hundred Three Dollars (\$3,728,403.00); and be it

**FURTHER RESOLVED:** That all other bids submitted for Project No. C369620 are hereby rejected; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to waive further advertising and bidding for additional paving work to be added to the above mentioned paving contract with Gallagher & Burk, Inc. and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to increase the contract award to Gallagher & Burke to add additional paving work not included in the Project No. C369620 notice inviting bids under the same terms and conditions of Gallagher and Burk's original contract award, and to increase the contract up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) to pay for the additional work, for a total contract authorization of Four Million Four Hundred Seventy-Eight Thousand Four Hundred Three Dollars (\$4,478,083.00); 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 for 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 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, JUN 7 2011, 20      

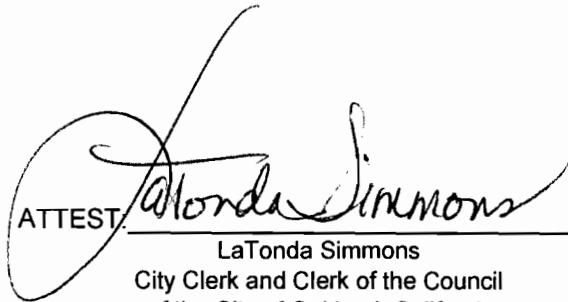
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and  
PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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