

FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED

Approved As To Form & Legality

City Attorney's Office

2012 SEP - 5 OAKLAND CITY COUNCIL

RESOLUTION No. 84031 C.M.S.

RESOLUTION:

AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURKE, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, IN ACCORD WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET REHABILITATION AND RECONSTRUCTION PHASE II PROJECT NO. C369630 AND CONTRACTOR'S BID THEREFOR, IN THE AMOUNT OF SIX MILLION, FIVE HUNDRED EIGHTY-SEVEN THOUSAND, FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$6,587,587.00)

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 IB California Transportation Bond funds (2165); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369630; \$4,213,539.09; and

WHEREAS, there are sufficient Rubberized Pavement (TRP) Grant funds, Department of Resources Recycling and Recovery (Cal Recycle) (2159); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369631; \$101,130.00; and

WHEREAS, there are sufficient Metropolitan Transportation Commission Grant funds in the project budget for the work and funding for this work is available in the following project account: (2163); Infrastructure Plans Organization (92260); Street Construction Account (57411); MacArthur BART Bicycle Access Project (C410810); \$88,321.00; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C427810; \$1,700,000.00;

WHEREAS, there are sufficient Measure B Bicycle/Pedestrian Pass-Thru funds in the project budget for the work and funding for this work is available in the following project account: (2212); Infrastructure Plans Organization (92260); Street Construction Account (57411); Bicycle Facility Design and Implementation Project (C428410); \$131,830.28; and

WHEREAS, there are sufficient Transportation Development funds in the project budget for the work and funding for this work is available in the following project account: (2162); Street Construction Account (57411); Harrison Street/Oakland Avenue Bikeway Project (C443210); \$59,000.00; and

WHEREAS, there are sufficient Measure B Local Streets and Roads funds in the project budget for the work and funding for this work is available in the following project account: (2211); Infrastructure Plans Organization (92260); Street Construction Account (57411); Shattuck Avenue Resurfacing and Bikeway Project (C444710); \$132,863.98; and

WHEREAS, there are sufficient Vehicle Registration Fee in the project budget for the work is available in the following project account: (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C458810; \$1,439,000.00; and

WHEREAS, the City advertised and issued a solicitation for bids for Citywide Street Rehabilitation and Reconstruction Phase II (Project No. C369630) on May 24, 2012 with an Engineer's Estimate for the work of \$6,227,117.40, and received three bids for the project on May 24, 2012 from: Gallagher and Burk, Inc.- \$6,587,587.00, Bay Cities Construction - \$7,041,263.08, and McGuire & Hester - \$7,265,417.80; 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 II Project No. C369630 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 May 24, 2012, in the amount of Six Million Five Hundred Eighty-Seven Thousand Five Hundred Eighty-Seven Dollars (\$6,587,587.00); and be it

FURTHER RESOLVED: That all other bids submitted for Project No. C369630 are hereby rejected; 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, as authorized by City Ordinance no. 13039, 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.

OCT 02 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

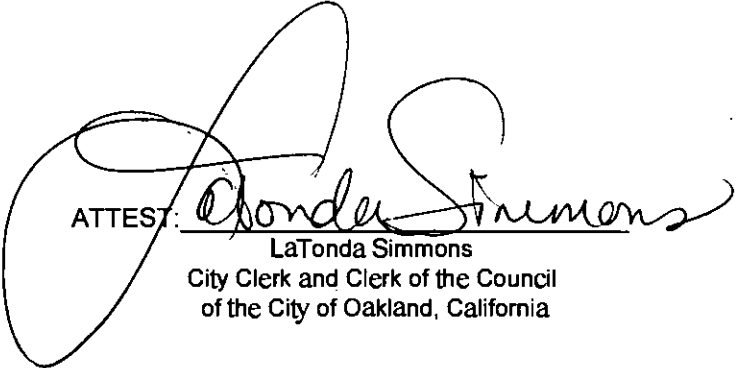
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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