

**OAKLAND CITY COUNCIL**OFFICE OF THE CITY CLERK  
1000 12TH STREET  
OAKLAND, CA 94612**RESOLUTION No. 80947 C.M.S.**  
City Attorney

2007 OCT 11 PM 2:14

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. FOR FY 06-07 CITYWIDE STREET RESURFACING AND SLURRY SEALING PROJECT (C234910) FOR THE AMOUNT OF FOUR MILLION THREE HUNDRED SIXTY-SIX THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$4,366,470.00)**

**WHEREAS**, funding for this street resurfacing and slurry sealing project has been appropriated in FY 03-05, FY 05-07 and FY 07-08 budgets using a combination of funds from Measure B – ACTIA (FY 03-04 and FY 05-06), Traffic Safety (FY 05-06), General Purpose (FY 06-07), State Traffic Relief Congestion funds (FY 06-07), ACTIA Reimbursable Grants (FY 05-06), Metropolitan Transportation Commission – TDA (FY 05-06), and Proposition 1B California Transportation Bond (FY 07-08); and

**WHEREAS**, on September 17, 2007, four bids were received by the Office of the City Clerk of the City of Oakland for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910); and

**WHEREAS**, Gallagher & Burk, Inc. is the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in following project accounts:

- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C234910; \$100,000.00
- Measure B – ACTIA (2211); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269610; \$1,207,000.00
- Traffic Safety (2416); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C269620; \$675,000.00
- General Purpose (1010); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C293110; \$320,000.00
- State Traffic Congestion Relief - Proposition 42 Fund (2141); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C173240; \$1,000,000.00

- ACTIA Reimbursable Grants (2214); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project G282310; \$150,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289210; \$24,000
- Metropolitan Transportation Commission – TDA (2162); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project C289220; \$135,000
- Proposition 1B California Transportation Bond (2165); Maintenance: Heavy Paving Organization (92480); Street Construction Account (57411); Project C317610; \$755,470.00; and

**WHEREAS**, the engineer's estimate for the work is \$4,367,965.00; and

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

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; 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 services; now, therefore be it

**RESOLVED:** That the contract for FY 06-07 Citywide Street Resurfacing and Slurry Sealing Project (C234910) is hereby awarded to Gallagher & Burk, Inc., in accordance with the terms of contractor's bid therefore, dated September 17, 2007 in the amount of four million, three hundred sixty-six thousand, four hundred seventy dollars (\$4,366,470.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$4,366,470.00, 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, \$4,366,470.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Development Director of Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with Gallagher & Burk, Inc. on behalf of the City of Oakland and to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; 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; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 4 2007, 20      

**PASSED BY THE FOLLOWING VOTE:**

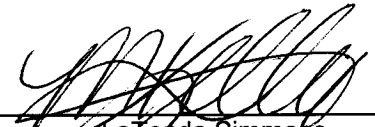
AYES - BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 7

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