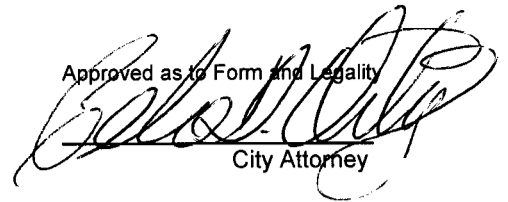


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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No: 81426 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO, ~~1) AWARD A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC., FOR THE PARK AND STREET IMPROVEMENTS OF EL EMBARCADERO AND LAKESHORE AVENUE PROJECT (OPTION B) IN THE AMOUNT OF FOUR MILLION FOUR HUNDRED FORTY NINE THOUSAND THREE HUNDRED SEVENTY EIGHT DOLLARS (\$4,449,378.00) IN ACCORDANCE WITH THE SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID; 2) APPROPRIATE \$1,542,750.00 OF MEASURE DD SERIES B FUNDS IN THE LAKESHORE AVENUE PATH IMPROVEMENT PROJECT (C242312); 3) APPROPRIATE \$201,960.00 OF MEASURE DD SERIES B FUNDS IN THE SYSTEMWIDE PROJECT (C242212)~~

WHEREAS, El Embarcadero and Lakeshore Avenue and adjacent parklands are important elements in Lakeside Park and Lake Merritt, which are both a City of Oakland Landmark and a National Historic Landmark; and

WHEREAS, the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation, and in November 2002 the Oakland voters passed Measure DD, the Oakland Trust for Clean Water, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project (Option B) was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects, which was certified April 1, 2008, and no additional supplemental environmental clearance is required; and

WHEREAS, on April 28, 2008, the City Clerk received five bids for the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project and the lowest responsive and responsible bid of \$4,449,378.00 was submitted by Gallagher and Burk, Inc.; and

WHEREAS, the City's L/SLBE program requirements have been met by Gallagher and Burk, Inc.; and

WHEREAS, the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project (Option B) provides the key improvements indicated for El Embarcadero and Lakeshore Avenue in the Lake Merritt Master Plan, such as park renovation, pedestrian and bicycle improvements and also, Option B allows improved traffic circulation on Lakeshore Avenue when compared to the Option A project; and

WHEREAS, the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project Option B is within the project budget; and conforms to the available funding for the project; and

~~**WHEREAS**, approval of this resolution will authorize the City Administrator or her designee to appropriate \$1,542,750.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), Lakeshore Avenue Path Improvement Project (C24312), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and~~

~~**WHEREAS**, approval of this resolution will authorize the City Administrator or her designee to appropriate \$201,960.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), Systemwide Project (C242112), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and~~

WHEREAS, upon approval of this resolution funds totaling \$4,810,000.00 are available for the construction project and contingency from the following sources:

- ~~• \$1,542,750.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lakeshore Avenue Path Improvement Project (C242312). Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,542,750.00 from the fund balance (Measure DD Series A).~~
- \$1,445,525.00 from Measure DD Series A the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), El Embarcadero Project (C242410).
- \$526,751.00 from Measure DD Series A the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242112).
- ~~• \$201,960.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242112). Approval of this resolution will authorize and direct the City Administrator to appropriate \$201,960.00 from the fund balance (Measure DD Series A).~~
- \$234,999.00 from State Proposition 40, 2002 Resources Bond Act, (Fund 2134, Capital Project Management Organization 92270), Lake Merritt Improvements Project (G220120).

- \$339,500.00 from Bay Area Air Resources Board Transportation Fund for Clean Air Grant (Fund 2166, Capital Project Management Organization 92270), Lakeshore Avenue Bicycle/Pedestrian Improvements Project (C242330).
- \$518,516.00 from Measure B Transportation Sales Tax, (Fund 2211, Capital Project Management Organization 92242, Project No.C317710); and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 City Administrator, or her designee, is hereby authorized to award a construction contract on the behalf of the City of Oakland to Gallagher and Burk, Inc., for the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project (Option B) in the amount of four million four hundred forty nine thousand three hundred seventy eight dollars (\$4,449,378.00) in accordance with the specifications for the project and contractor's bid; and be it

~~**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate \$1,542,750.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), Lakeshore Avenue Path Improvement Project (C24312), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and be it~~

~~**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate \$201,960.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), Systemwide Project (C242112), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and be it~~

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Park and Street Improvements of El Embarcadero and Lakeshore Avenue Project (Option B); and be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications and Council-approved contract amount without return to Council, and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$4,449,378.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$4,449,378.00.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 1 2008, 2008

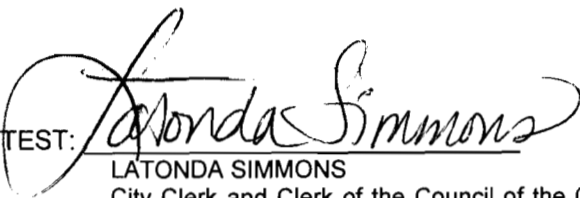
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California