

  
CITY ATTORNEY

City Attorney

2024 AUG 30 AM 9:10

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION NO. 90417 C.M.S.

**RESOLUTION AWARDING A PURCHASING CONTRACT TO GALLAGHER & BURK IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) PER YEAR FOR TWO (2) YEARS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND THE AGREEMENT ANNUALLY UP TO TWO (2) ONE-YEAR PERIODS IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) PER YEAR FOR A TOTAL NOT TO EXCEED AMOUNT OF EIGHT MILLION DOLLARS (\$8,000,000) OVER FOUR (4) YEARS IN ACCORDANCE WITH SPECIFICATION NO. 20-745.00/RFQ 271431 AND CONTRACTOR'S BID PROPOSAL; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY FINDINGS.**

**WHEREAS**, the Oakland Department of Transportation performs pavement construction on City streets, requiring the purchase of asphalt concrete and aggregate base materials; and

**WHEREAS**, procuring such materials is essential to meet the in-house mileage goals of the 5-Year Paving Plan (5YP) (Resolution No. 88975 C.M.S.); and

**WHEREAS**, in April 2024, the City conducted a request for quotations (Specification No. 20-745.00/RFQ 271431) to select the lowest responsive and responsible bidder and the most qualified contractor to provide materials necessary for asphalt concrete pavement construction; and

**WHEREAS**, the City received one proposal from Gallagher and Burk, Inc. through the City's RFQ process; and

**WHEREAS**, following an evaluation of the RFQ respondent, Gallagher and Burk, Inc.'s proposal was found to be fair and reasonable for the purchase of paving materials in accord with Specification No. 20-745.00/RFQ 271431 and Contractor's Bid; and

**WHEREAS**, a multi-year purchasing contract streamlines the procurement of essential materials for paving; and

**WHEREAS**, approval of this agreement will not result in additional appropriation of funds, and individual asphalt supply orders will be funded through appropriations within various individual projects; and

**WHEREAS**, a purchase contract is not considered a project under the California Environmental Quality Act (CEQA), and therefore is not subject to CEQA review; now, therefore, be it

**RESOLVED:** That the Council hereby awards a purchasing contract to Gallagher and Burk, Inc. for paving materials in an amount not-to-exceed \$2,000,000 per year for a two-year term, in accordance with Specification No. 20-745.00/RFQ 271431 and the Contractor's Bid; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to exercise in their sole discretion, two (2) one-year options to extend the contract in an amount not-to-exceed \$2,000,000 per year, for a total not to exceed contract amount of \$8,00,000 over a four-year term; and be it

**FURTHER RESOLVED:** There is no minimum commitment to this contract, and funds will not be committed beforehand unless funding is identified; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that this Gallagher and Burk, Inc. purchase contract is not considered a project under the California Environmental Quality Act (CEQA), and therefore is not subject to CEQA review; and be it

**FURTHER RESOLVED:** That the City Council directs the City's Environmental Review Officer to file a Notice of Exemption with the Clerk of the County of Alameda; and be it

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

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

**PASSED BY THE FOLLOWING VOTE:      SEP 17 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID AND  
PRESIDENT FORTUNATO BAS

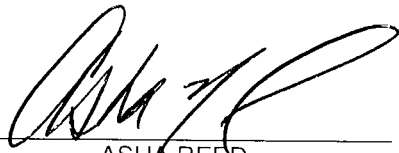
- 8 Ayes

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: \_\_\_\_\_



ASHA REED  
City Clerk and Clerk of the Council  
of the City of Oakland, California