

OAKLAND CITY COUNCIL

RESOLUTION NO. 82426 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC. FOR THE 7TH STREET, WEST OAKLAND TRANSIT VILLAGE PROJECT FROM UNION STREET TO PERALTA STREET (PROJECT NO. G313110) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED TWENTY SIX DOLLARS (\$3,217,426.00)

WHEREAS, the City of Oakland was awarded Metropolitan Transportation Commission's (MTC) federal Surface Transportation (STP), American Recovery and Reinvestment Act (ARRA), Alameda County Transportation Improvement Authority (ACTIA), and Oakland Redevelopment Agency (ORA) funds for construction of the 7th Street, West Oakland Transit Village from Union Street to Peralta Street; and

WHEREAS, funding from Bay Area Rapid Transit (BART) totaling \$140,000.00 will be available in January, 2010 upon award of a construction contract for the 7th Street, West Oakland Transit Village project; and

WHEREAS, on October 15, 2009, five bids were received by the Office of the City Clerk of the City of Oakland for 7th Street, West Oakland Transit Village Project (Project No. G313110); and

WHEREAS, Gallagher & Burk, Inc. was the lowest responsible and responsive bidder and has met the federal Race Conscious Underutilized Disadvantage Business Enterprise (UDBE) requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in following project accounts:

- \$2,330,000.00: Metropolitan Transportation Commission: Program Grant Fund (2163); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village Project (G313110).
- \$310,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130).

- \$216,000.00: ACTIA Reimbursable Grants Fund (2214); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313140).
- \$1,300,000.00: Department of Transportation - ARRA Fund (2606); Engineering Design: Streets and Structures Organization (92242); Project TBD.
- \$650,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130). These funds will be transferred from West Oakland Redevelopment fund.

WHEREAS, the engineer's estimate for the work is \$4,178,930.00; and

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

WHEREAS, the City Council finds and determines that the performance of this contractor 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 service; and

WHEREAS, the City hereby finds and determines that the project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (c) that allows for operation, repair, maintenance or minor alteration of existing public facilities including existing highway and streets, sidewalks, gutters, bike and pedestrian trails; CEQA Section 15304, Class 4 (b) and (h) that allows minor public alterations in the condition of the land and/or vegetation, including new grading or landscaping and creation of new bike lanes on existing rights-of-way; and

WHEREAS, the California Department of Transportation (CALTRANS) has determined that the project is categorically exempt pursuant to the National Environmental Policy Act (NEPA) Section 6004; now, therefore, be it

RESOLVED: That the contract for 7th Street, West Oakland Transit Village Project from Union Street to Peralta Street (Project No. G313110) is hereby awarded to Gallagher & Burk, Inc. in accordance with the project plans and specifications and terms of the contractor's bid therefore, dated October 15, 2009, in the amount of three million two hundred seventeen thousand four hundred twenty-six dollars (\$3,217,426.00); and be it

FURTHER RESOLVED: That the amount for the bond for faithful performance, \$3,217,426.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for amount due under the Unemployment Insurance Act, \$3,217,426.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the 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 and Burk, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to 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 the 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 8 2009, 20


PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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