

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 78122 C.M.S.



INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

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**Resolution Authorizing Award of a Construction Contract to Gallagher and Burk, Inc. for Rehabilitation of Certain Streets in the City of Oakland by the Overlay Method between the Dates of September 1, 2003 and August 31, 2004, in the Amount of \$1,241,832.40 (Project No. C17180)**

**WHEREAS**, funding for street resurfacing has been appropriated in the fiscal year 2002-03 budget using a combination of Municipal Capital Improvement Program, Measure B (County Sales Tax Revenue), and State Traffic Relief Congestion funds; and

**WHEREAS**, on August 25, 2003, three bids were received by the Office of the City Clerk of the City of Oakland for the Resurfacing of Certain Streets in the City of Oakland by the Overlay Method, between the dates of September 1, 2003 and August 31, 2004 (Project C17180); and

**WHEREAS**, **Gallagher & Burk, Inc.** is the lowest responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in Fund 5500, Org. 92480, Account 57411, Project C17180, Fund 2141, Org. 92480, Account 57411, Project C173230, and Fund 2166, Org. 92246, Account 57411, Project G217420 for the construction work; and

**WHEREAS**, the engineer's estimate for the work is \$1,463,462; 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 safety and economy; and

**WHEREAS**, the City Council finds and determines that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the performance of the services by contract is in the public interest because of economy or performance, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it,

**RESOLVED:** That the contract for the Resurfacing of Certain Streets in the City of Oakland by the Overlay Method Between the Dates of September 1, 2003 and August 31, 2004 (Project No. C17180) is hereby awarded to **Gallagher & Burk, Inc.**, in accordance with the terms of its bid therefore, dated August 25, 2003 in the amount of One Million, Two Hundred and Forty One Thousand Eight Hundred and Thirty Two and 40/100 Dollars (\$1,241,832.40); and, be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$620,916, 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, \$1,241,832, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Manager is hereby directed to enter into a contract with **Gallagher & Burk, Inc.** on behalf of the City of Oakland and to execute any 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 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; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

OCT 21 2003

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



CEDA FLOYD

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