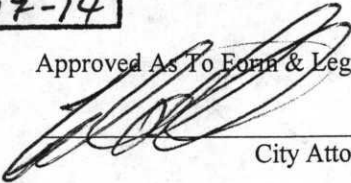


REVISED
7-17-14

Approved As To Form & Legality



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUL 17 PM 2:43

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

- 1) RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO EXECUTE A CONSTRUCTION CONTRACT WITH GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET RESURFACING (PROJECT NO. C369650) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SIX HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND EIGHTY CENTS (\$3,698,995.80)

- 2) RESOLUTION WAIVING ADVERTISING AND BIDDING REQUIREMENTS INCREASING THE CONTRACT AMOUNT BY AN ADDITIONAL NINE HUNDRED THOUSAND DOLLARS (\$900,000.00) FOR "WORST STREETS" ROAD IMPROVEMENTS, FOR A TOTAL CONTRACT AUTHORIZATION OF FOUR MILLION FIVE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED NINETY FIVE DOLLARS AND EIGHTY CENTS (\$4,598,995.80)

WHEREAS, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council adopted Resolution No. 81039 C.M.S. establishing a 5-Year Paving Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, on June 26, 2014, the City conducted bidding for this project and received only one bid from Gallagher and Burk, Inc.; and

WHEREAS, the project locations associated with this project are selected following the above said plan; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, sufficient funding is available in the following accounts:

- California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$15,000.00.
- California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369650); \$610,458.64.
- Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$488,537.16.
- Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$2,585,000.00.

WHEREAS, on July 2, 2014, City Council approved adjustments to the Fiscal Year (FY) 2014-15 Proposed Midcycle Policy Budget (proposed midcycle budget); and

WHEREAS, the adjustments include a budget allocation of \$900,000.00 of General Funds to "Worst Streets" Road Improvements to be Applied to Each Council District; and

WHEREAS, the above adjustment is in General Fund (1010); Streets and Structures Organization (92242); Street Construction Account (57411); Project to be determined (TBD); \$900,000.00; and

WHEREAS, the competitive prices received from Gallagher & Burk, Inc. for this contract are reasonable and below the engineer's estimate; and

WHEREAS, it is desirable to take advantage of the competitively bid prices and expedite paving of "Worst Streets"; and

WHEREAS, Section 2.04.050.I.5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, it is in the best interests of the City to waive these purchasing requirements and increase the contract by an additional \$900,000 for paving of "Worst Streets" in order to expedite the improvements; Now, therefore, be it

RESOLVED: Adopt resolution to execute a construction contract with Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for the Citywide Street Resurfacing II (Project No. C369650) in the amount of Three Million Six Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars and Eighty Cents (\$3,698,995.80); and be it

FURTHER RESOLVED: Adopt resolution Waiving Advertising And Bidding Requirements increasing the contract amount by an Additional nine hundred thousand dollars (\$900,000.00) for "Worst Streets" Road Improvements, for a total contract authorization of Four Million Five Hundred Ninety-Eight Thousand Nine Hundred Ninety Five Dollars and Eighty Cents (\$4,598.995.80); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance 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, shall be 100% of the contract price; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or his/her designee; 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 and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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