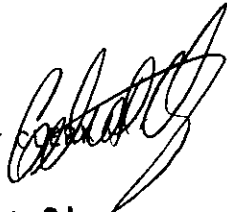


OAKLAND CITY COUNCIL

RESOLUTION No. 77982

C.M.S. FILED
OFFICE OF THE CITY CLERK
OAKLAND



INTRODUCED BY COUNCILMEMBER _____

2003 JUL 10 PM 3:21
Requires two-thirds vote of the Council

Resolution authorizing award of a construction contract to Gallagher and Burk, Inc. for RABA (Revenue Aligned Budget Authority) Streets Rehabilitation, in the amount of \$1,029,002.35 (City Project No. G235910).

WHEREAS, the City of Oakland was awarded a federal Surface Transportation (STP), Revenue Aligned Budget Authority (RABA) of the Transportation Equity Act (TEA-21) grant for the RABA Streets Rehabilitation; and

WHEREAS, this federal TEA-21 grant requires a local match of 11.55 percent; and

WHEREAS, on June 9, 2003 four bids were received by the Office of the City Clerk of the City of Oakland for the RABA Streets Rehabilitation (City Project No. G235910); and

WHEREAS, **Gallagher & Burk, Inc.** is the lowest responsible bidder for the project and has met the Disadvantage Business Enterprise requirements; and

WHEREAS, there are sufficient funds in the project budget (Fund 2116, Org. 92480, Account 57411, Project G235910 and Fund 5500, Org. 92480, Account 57411, Project G235920) of \$1,404,130 for construction of the work.

WHEREAS, the engineer's estimate for the work is \$1,181,673; 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 That 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 RABA Streets Rehabilitation (Project No. G235910) is hereby awarded to **Gallagher & Burk, Inc.**, in accordance with the terms of its bid therefore, dated June 9, 2003 in the amount of One Million, Twenty Nine Thousand, Two and 35/100 Dollars (\$1,029,002.35); and, be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$514,501, 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, \$1,029,002, 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2003, 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