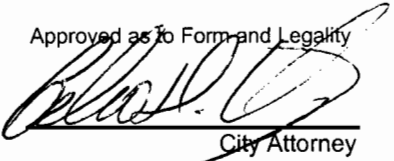


**REVISED-CLARIFICATION**



City Attorney

2010 SEP 16 PM 4:50

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 82973 C.M.S.**

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR CITYWIDE STREET RESURFACING AND SLURRY SEALING (PROJECT NO. C317610) TO GALLAGHER AND BURK, INC., IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION THIRTY-TWO THOUSAND SEVENTY-NINE DOLLARS AND EIGHTY CENTS (\$3,032,079.80)**

**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 Proposition 1B bond revenues must be invested in improving local streets, roads, and/or other priority local transportation projects; and

**WHEREAS**, eligible projects for Proposition 1B are those that reduce congestion, increase traffic safety, or rehabilitate and maintain local roads; and

**WHEREAS**, the City Council adopted a 5-Year Paving Plan for FY 07-12, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

**WHEREAS**, the projects associated with the 5-Year Paving Plan for FY 07-12 are eligible for the Proposition 1B Funds; and

**WHEREAS**, the project locations associated with this project are selected from the City's 5-Year Paving Plan for FY 07-12; 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**, there are sufficient Proposition 1B funds in the project budget for the work and funding for this work is available in the following project account: (2165); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C317610; \$3,700,000.00 and

**WHEREAS**, there are sufficient Measure B Bicycle/Pedestrian Pass-Thru funds in the project budget for the work and funding for this work is available in the following project account: (2212), Transportation Services Organization (92246), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project FY 09-11 Project No. C371610;

\$225,000.00; and

**WHEREAS**, there are sufficient Measure B Bicycle/Pedestrian Pass-Thru funds in the project budget for the work and funding for this work is available in the following project account: (2212), Transportation Services Organization (92246), Street Construction Account (57411), Bicycle Facilities Design and Implementation Project FY 07-09 Project No. C318310; \$126,000.00; and

**WHEREAS**, there are sufficient Transportation Development Act (TDA) Article 3 funds in the project budget for the work and funding for this work is available in the following project account: (2162), Transportation Services Organization (92246), Street Construction Account (57411), 27th Street/Bay Place Bikeway Project No. C355210; \$50,000.00; and

**WHEREAS**, there are sufficient Transportation Development Act (TDA) Article 3 funds in the project budget for the work and funding for this work is available in the following project account: (2162), Transportation Services Organization (92246), Street Construction Account (57411), 27th Street/Bay Place Bikeway 09-10 Project No. C355220; \$65,000.00; and

**WHEREAS**, there are sufficient California Department of Transportation funds in the project budget for the work and funding for this work is available in the following project account: (2140), Transportation Services Organization (92246), Street Construction Account (57411), MacArthur Bikeway, Park to Lincoln Project No. G258810; \$121,500.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds in the project budget for the work and funding for this work is available in the following project account: (2166), Transportation Services Organization (92246), Street Construction Account (57411), MacArthur Bikeway, Park to Lincoln-BFP Project No. G258820; \$30,000.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds in the project budget for the work and funding for this work is available in the following project account: (2166), Transportation Services Organization (92246), Street Construction Account (57411), East 12th Street Bikeway Project No. C400110; \$10,500.00; and

**WHEREAS**, there are sufficient Bay Area Air Quality Management District funds (2166) fund Metropolitan Transportation Commission Program Grant Fund (2163), Capital Projects – Transportation Services Organization (92246), Street Construction Account (57411), Project No. pending; \$47,500.00; and

**WHEREAS**, this bicycle grant has a construction completion deadline of July 30, 2011; and

**WHEREAS**, the City advertised and issued a solicitation for bids for Citywide Street Resurfacing and Slurry Sealing (Project No. C317610), and on August 12, 2010, one bid was received by the Office of the City Clerk in response to the solicitation; and

**WHEREAS**, the one bid was from Gallagher & Burk, Inc. in the amount of \$3,032,079.80; and

**WHEREAS**, the Engineer's Estimate for the work is \$3,346,760.00; and

**WHEREAS**, the contractor's bid is deemed responsive and responsible; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to

perform the necessary repairs and that the performance of this contract is in the public interest because of the economy; and

**WHEREAS,** the City Administrator 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; now, therefore, be it

**RESOLVED:** That a contract is awarded to Gallagher & Burk, Inc. in accordance with the plans and specifications for the Citywide Street Resurfacing and Slurry Sealing project (Project No. C317610) and the contractor's bid therefore, dated August 12, 2010, in the amount of three million thirty-two thousand seventy-nine dollars and eighty cents (\$3,032,079.80); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$3,032,079.80, 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, \$3,032,079.80, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Assistant Director of Public Works Agency for this project are hereby approved; 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, SEP 21 2010, 20      

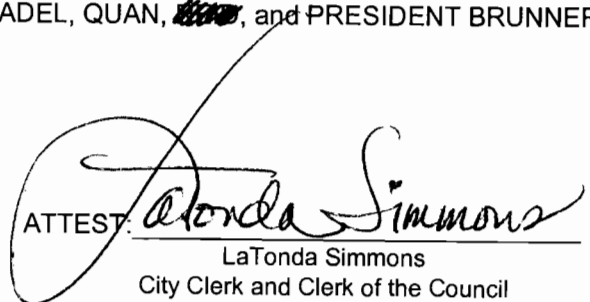
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER — 7

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

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