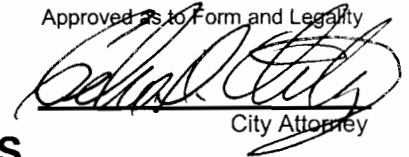


OAKLAND CITY COUNCILFILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 PM 1:10

RESOLUTION No. 82280 C.M.S.

Introduced by Councilmember _____



City Attorney

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION, FOR CITYWIDE CURB RAMP AND SIDEWALK REPAIR PROJECTS (PROJECT NO. C376310) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE NOT-TO-EXCEED AMOUNT OF EIGHT HUNDRED NINETY FIVE THOUSAND AND SIXTY FIVE DOLLARS (\$895,065.00)

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) Local Streets and Roads (LSR) grant; and

WHEREAS, the Metropolitan Transportation Commission Program Grant (2163) funding for the ARRA LSR grant was approved and appropriated by City Council on March 31, 2009, Resolution No. 81892 and Resolution No. 81893; and

WHEREAS, this grant money will be moved to Fund 2606, a new fund established for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA funds; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this work is available in the following project accounts:

- Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C376410; and

WHEREAS, this federal grant has a construction award deadline of September 30, 2009; and

WHEREAS, on July 9th, 2009, seven bids were received by the Office of the City Clerk of the City of Oakland for Citywide Curb Ramp and Sidewalk (Project No. C376310); AJW Construction is the lowest responsible bidder for the project and has met the federal Underutilized Disadvantaged Business Enterprise (UDBE) requirements; and

WHEREAS, the Engineer's Estimate for the work is \$951,000.00; and

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

WHEREAS, the City Administrator represents that this contract is technical and temporary in nature, that the performance of this contract is in the public interest because of the economy and 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 services; and

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

WHEREAS, only Federal Aid System (FAS) eligible streets may be selected for this project; the project locations associated with this project are selected from the City's 5-Year Sidewalk Prioritization Plan and are FAS eligible; and the Department of Transportation has determined the project documents and plans are eligible for federal funding; and

WHEREAS, the City of Oakland coordinates and screens all proposed sidewalk and curb ramp 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; now, therefore be it

RESOLVED: That the contract for Citywide Curb and Sidewalk Project (Project No. C376310) is hereby awarded to AJW Construction in accordance with the terms of the contractor's bid therefore, dated July 9, 2009 in the amount of eight hundred and ninety five thousand, and sixty five dollars (\$895,065.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$895,065.00, 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, \$895,065.00, with respect to such work, covering one hundred percent (100%) of the contract price, hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of CEDA for this project are hereby approved; and be it

FURTHER RESOLVED: That, based on City Administrator representations, the City Council finds and determines that this contract is technical and temporary in nature, performance of this contract is in the public interest because of the economy and performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute the contract with Gallagher and Burk, Inc. as well as change orders, amendments, extensions or modifications of said contract, 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 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 the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20

PASSED BY THE FOLLOWING VOTE:


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

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De La Fuente - 1

ATTEST: 

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