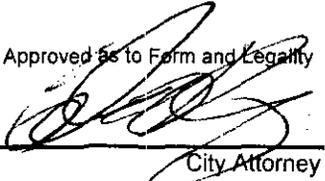


OFFICE OF THE CITY CLERK
CITY OF OAKLAND**OAKLAND CITY COUNCIL**
City Attorney

2007 MAR -1 PM 6:20

RESOLUTION No. 80476 C.M.S.**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO GALLAGHER AND BURK, INC. FOR CITYWIDE STREET RESURFACING (PROJECT NO. G287610) FOR THE AMOUNT OF FOUR MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED TWENTY-SEVEN DOLLARS (\$4,888,527.00)**

WHEREAS, the City of Oakland was awarded a federal Surface Transportation Program (STP) grant for street rehabilitation; and

WHEREAS, this federal Surface Transportation Program grant requires a local match of 11.47 percent; and

WHEREAS, this federal Surface Transportation Program grant has a construction contract award deadline of March 21, 2007; and

WHEREAS, on January 22, 2007, six bids were received by the Office of the City Clerk of the City of Oakland for Citywide Street Resurfacing (Project No. G287610); and

WHEREAS, Gallagher & Burk, Inc. is the lowest responsible bidder for the project and has met the Disadvantaged Business Enterprise (DBE) requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in Department of Transportation Fund (2116), Measure B – ACTIA (2211), and State Traffic Congestion Relief - Proposition 42 Fund (2141); Heavy Paving Organization (92480); Street Construction Account (57411); in Project No. G287610, G287620, and C173240; and in ACTIA Reimbursable Grants (2214); Engineer Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project No. G282310; and

WHEREAS, the engineer's estimate for the work is \$6,975,000.00; 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 economy; and

WHEREAS, the City Council finds and determines 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; now, therefore be it

RESOLVED: That the contract for Citywide Street Resurfacing (Project No. G287610) is hereby awarded to Gallagher & Burk, Inc., in accordance with the terms of contractor's bid therefore, dated January 22, 2007 in the amount of four million, eight hundred eighty-eight thousand, five hundred and twenty-seven dollars (\$4,888,527.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$4,888,527.00, 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, \$4,888,527.00, with respect to such work are hereby approved; and be it

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

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Gallagher & Burk, Inc. on behalf of the City of Oakland and 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 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 prior to execution 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 20 2007, 20__

PASSED BY THE FOLLOWING VOTE:

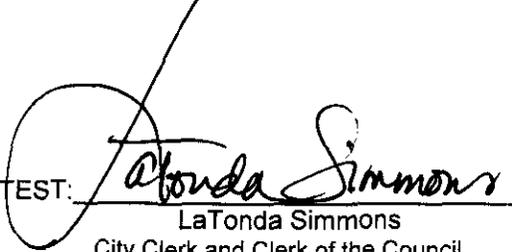
AYES - ~~BRUNNER~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE -- 7

NOES - 0

ABSENT - 0

ABSTENTION - Brooks -- 1

ATTEST:


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