

  
City Attorney

2014 JUN 12 PM 2:29

## OAKLAND CITY COUNCIL

RESOLUTION No. 85086 C.M.S.

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

1) RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR STREET REHABILITATION AT 17<sup>TH</sup> STREET BETWEEN CASTRO STREET AND LAKESIDE DRIVE, AND AT JACKSON STREET BETWEEN 11<sup>TH</sup> ST AND LAKESIDE DRIVE (PROJECT NO. C464540) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SEVEN HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$791,700.00), AND

2) WAIVING ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO AWARD UP TO ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) TO THE CONTRACT FOR RESURFACING WORK ON JACKSON STREET, FOR A TOTAL CONTRACT AUTHORIZATION OF NINE HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$951,700.00)

**WHEREAS**, the City has received State Proposition 1C Infrastructure grant funds that are eligible for the proposed work; and

**WHEREAS**, on March 27, 2014, two bids were received by the Office of the City Clerk of the City of Oakland for the Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive, and Jackson Street between 11<sup>th</sup> Street and Lakeside Drive (Project C464540); and

**WHEREAS**, the Engineer's estimate for the construction work (including bid alternate) is \$910,775.00; and

**WHEREAS**, Gallagher & Burk, Inc., submitted a bid (including bid alternate) in the amount of \$791,700.00; and

**WHEREAS**, Gallagher & Burk, Inc., is deemed to be the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

**WHEREAS**, staff recommends that it is in the best interests of the City, in light of the favorable bidding environment and low bids, that the Council waive advertising and bidding requirements for additional work not included in the notice inviting bids and authorize the City Administrator or his designee to increase the contract up to One Hundred Sixty Thousand Dollars (\$160,000.00), to add additional work to the contract under the same terms and conditions as the original contract awarded to Gallagher & Burk, Inc.; and

**WHEREAS**, Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 permits the dispensing of advertising and bidding upon a finding by the Council that it is in the best interests of the City to do so; 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**, there are sufficient funds for the contract work in the following project accounts:

- California Housing and Community Development Fund (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C464540); 791,700.00,
- Measure B Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); \$130,000.00; now, therefore be it,

**RESOLVED:** That the contract for the Street Rehabilitation at 17<sup>th</sup> Street between Castro Street and Lakeside Drive, and Jackson Street between 11<sup>th</sup> Street and Lakeside Drive (Project C464540) is awarded to Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated March 27, 2014, in the amount of Seven Hundred Ninety-One Seven Hundred dollars (\$791,700.00) and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to waive further advertising and bidding for additional work to be added to the above mentioned contract with Gallagher & Burk, Inc. and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to increase the contract award to Gallagher & Burk, Inc., to add additional work not included in the Project No. C464540 notice inviting bids under the same terms and conditions of Gallagher & Burk's original contract award, and to increase the contract up to One Hundred Sixty Thousand Dollars (\$160,000.00) to pay for the additional work, for a total contract authorization of Nine Hundred Fifty-One Thousand Seven Hundred Dollars (\$951,700.00); and be it

