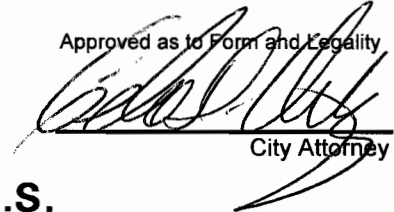


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality



City Attorney

2013 MAY 16 PM 4:04

RESOLUTION No. 84425 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE BART 17<sup>TH</sup> STREET GATEWAY IMPROVEMENT PROJECT (PROJECT NO. C464510), IN THE AMOUNT OF ONE MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND THREE HUNDRED TWENTY DOLLARS (\$1,128,320.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID**

**WHEREAS**, the City of Oakland was awarded State Proposition 1C funds for the construction of the BART 17<sup>th</sup> Street Gateway (Project C464510); and

**WHEREAS**, this project was initially bid in August 2012 and the single bid received exceeded the available construction fund and also deemed non-responsive to City's LBE/SLBE goals; and

**WHEREAS**, Council approved additional funding allocation from State Proposition 1C in December 2012 per Resolution 84112 C.M.S.; and

**WHEREAS**, it was determined that it was in the City's best interest to rebid the project; and

**WHEREAS**, on April 4, 2013, 6 bids were received by the Office of the City Clerk of the City of Oakland for this project; and

**WHEREAS**, 4 of the 6 bids were deemed non-responsive to City's LBE/SLBE, trucking or bid submittal requirements; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; 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 City Administrator is authorized to award and execute a construction contract to Bay Construction, the lowest responsive and responsible bidder, for the BART 17<sup>th</sup> Street Gateway (Project No. C464510) in an amount of One Million One Hundred Twenty-Eight Thousand Three Hundred Twenty Dollars (\$1,128,320.000) in accord with the project plans and specifications from Round 2; and be it

**FURTHER RESOLVED**, That Round 1 bids and all other Round 2 bids are hereby rejected; and be it

**FURTHER RESOLVED**, That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; ; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED**, That Bay Construction shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 4 2013

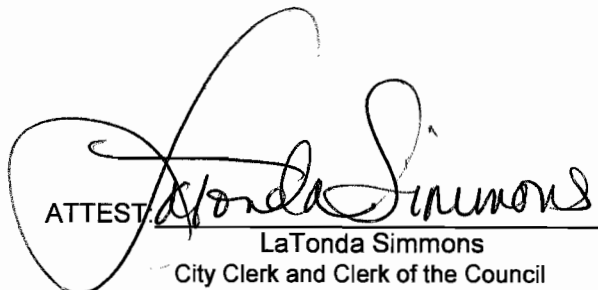
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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