

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 8 1 3 2 4 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO REJECT ALL BIDS FOR THE 81ST AVENUE LIBRARY PROJECT, RE-BID THE PROJECT, AND AWARD A CONSTRUCTION CONTRACT TO NBC GENERAL CONTRACTORS CORPORATION IN THE AMOUNT OF EIGHT MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$8,320,000.00)

WHEREAS, five bids were received by the Office of the City Clerk on January 7, 2008 for the 81st Avenue Library Project (C274410); and

WHEREAS, the project could not be awarded due to a significant error in a subcontractor bid that negatively impacted four of the five bids, while the fifth bid exceeded the engineer's estimate and construction budget; and

WHEREAS, through consultation between the Office of the City Attorney, Department of Contracting and Purchasing, and Project Delivery Division, it was determined that it was in the City's best interest to re-bid the project; and

WHEREAS, the project was re-bid on March 3, 2008, and three bids were received; and

WHEREAS, NBC General Contractors Corporation, a certified local business, is the lowest responsible, responsive bidder and funds are available for the construction contract; 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; 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 service; and

WHEREAS, the new community library, developed in partnership with the Oakland Unified School District (District), will also serve as the school library for two autonomous elementary schools with which it shares a campus; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all bids, re-bid the project, and award a construction contract on behalf of the City of Oakland to NBC General Contractors Corporation in the amount of eight million three hundred twenty thousand dollars (\$8,320,000.00) for the 81st Avenue Library Project in accord with Specification No. C274410 and contractor's bid dated March 3, 2008, and to execute any amendments or modifications of said contract within the limitations of the project specifications; and, be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$8,320,000.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$8,320,000.00, with respect to such work are hereby approved; 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, MAY 20 2008, 2008

PASSED BY THE FOLLOWING VOTE:

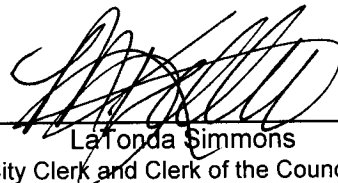
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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