



2004 APR 29 AM 9:07
INTRODUCED BY COUNCIL MEMBER

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER FOR RESURFACING OF CERTAIN STREETS IN THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 (PROJECT NO. C234930) IN THE AMOUNT OF \$3,928,797.40

WHEREAS, funding for street resurfacing has been appropriated in the fiscal year 2003-04 budget using Measure B (ACTIA) funds; and

WHEREAS, on January 5, 2003, four bids were received by the Office of the City Clerk of the City of Oakland for the Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004 (Project No. C234930); and,

WHEREAS, **McGuire and Hester**, is the lowest responsible bidder for the project and has met the local/ small local business enterprise goals; and

WHEREAS, there are sufficient funds in Fund 2211, Org. 92480, Account 57411, Project C234930, for the construction work; and

WHEREAS, the engineer's estimate for the work is \$4,439,298.00; 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 safety and economy; and

WHEREAS, the City Council finds and determines that 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 performance of the services by contract is in the public interest because of economy or performance, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it,

RESOLVED: That the contract for the Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004 (Project No. C234930) is hereby awarded to **McGuire and Hester**, in accordance with the terms of its bid therefore, dated January 5, 2004 in the amount of three million, nine hundred twenty eight thousand, seven hundred ninety seven and 40/100 Dollars (\$3,928,797.40); and, be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,964,399, 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, \$3,928,797.40, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Manager is hereby directed to enter into a contract with **McGuire and Hester** on behalf of the City of Oakland and to execute any 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 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; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 1 2004, 20

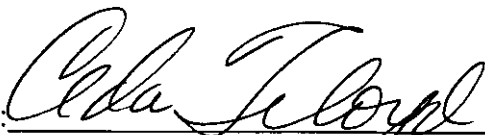
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, ~~AND PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

ABSENT- DE LA FUENTE - 1

ABSTENTION- 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California