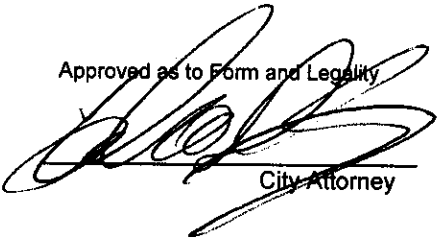


OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2007 APR 12 PM 7:20

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL
RESOLUTION No. 80545 C. M. S.

Introduced by Councilmember _____

RESOLUTION REJECTING THE SINGLE BID AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A NEGOTIATED CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR THE CONSTRUCTION OF SLOPE STABILIZATION PIERS AND DRAINAGE IMPROVEMENTS IN JOAQUIN MILLER PARK (PROJECT NOS. C282850, C244870 & C195610) FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-EIGHT THOUSAND THREE HUNDRED EIGHTY-TWO DOLLARS (\$438,382.00)

WHEREAS, the City conducted a competitive bid and on September 11, 2006 one bid was received by the Office of the City Clerk of the City of Oakland from Beliveau Engineering Contractors, Inc. for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610); and

WHEREAS, the received bid was significantly over the engineer's estimate and the available budget and, therefore, deemed not valid; and

WHEREAS, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park was negotiated with Beliveau Engineering Contractors, Inc. in an amount not to exceed \$438,382.00; and

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE requirements; and

WHEREAS, there are sufficient funds in the project budget for the work - funding for this project is available in Measure K Fund (5014), Project Delivery Organization (92270), Project No. C195610; Measure DD Creek Restoration Fund (5320), Watershed Improvement Program Organization (92280), Project No. C244870, Landscape Improvement Construction Account (57112); and the Sewer Service Fund (3100) Capital Project-Sanitary Sewer Design Organization (92244), Project No. C282850; Sewers Account (57417); and these funds were specifically allocated for this project; and

WHEREAS, the City Council finds and determines that the contract awarded hereunder is of technical and temporary nature, and 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 the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with the terms of its negotiated bid in the amount of Four Hundred Thirty-Eight Thousand Three Hundred Eighty-Two Dollars (\$438,382.00); 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 amount of the bond for faithful performance, \$438,382.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$438,382.00, with respect to such work are hereby approved; and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc. on behalf of the City of Oakland in accordance with City Council award set forth above, and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and, be it

FURTHER RESOLVED: That all bids previously received for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610) are hereby rejected; and, be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk and 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, MAY 1 2007 , 2007

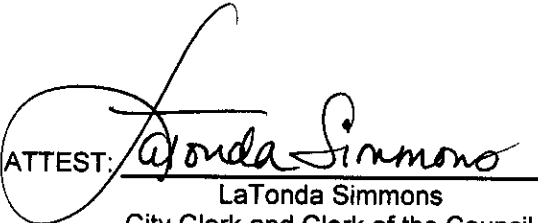
PASSED BY THE FOLLOWING VOTE:

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