

OFFICE OF THE CITY CLERK

**OAKLAND CITY COUNCIL**

  
City Attorney
2008 NOV 11 PM 10:00  
**RESOLUTION No. 81293 C.M.S.**

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

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO DARCY AND HARTY CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY FRANKLIN STREET, 3<sup>RD</sup> STREET, BROADWAY, AND 11<sup>TH</sup> STREET – SUBBASINS 64-02, 64-06 and 64-07 (PROJECT NO. C227710) FOR THE AMOUNT OF TWO MILLION ONE HUNDRED EIGHT-SIX THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$2,186,164.00)**

**WHEREAS**, on February 25, 2008, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710); and

**WHEREAS**, Darcy and Harty Construction, Inc. bidding as a prime, is the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100); Capital Project-Sanitary Sewer Design Organization (92244); Sewer Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710 and C74710) and these funds were specifically allocated for this project; 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 is in the public interest because of economy or better performance; and

**WHEREAS**, Darcy and Harty Construction, Inc. complies with all LBE/SLBE goals; 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 contract for the Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710) is hereby awarded to Darcy and Harty Construction, Inc. in accordance with the terms of its bid therefore, dated February 25, 2008 for the amount of Two Million One Hundred Eighty-Six Thousand One Hundred Sixty Four Dollars (\$2,186,164.00); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$2,186,164.00, and the amount for a bond to guarantee payment of all claims for labor materials furnished and for the amount due under the Unemployment Insurance Act, \$2,186,164.00, 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 Darcy and Harty Construction, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 20 2008, 2008

**PASSED BY THE FOLLOWING VOTE:**

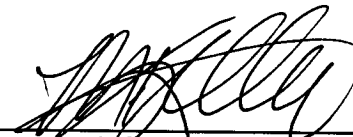
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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