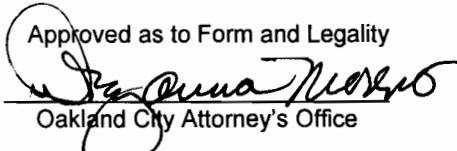


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC -2 PM 12:38

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 83136 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONTRACT TO THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, MCGUIRE AND HESTER, IN THE AMOUNT OF SEVEN HUNDRED FIFTY-FOUR THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$754,215.00) FOR THE CONSTRUCTION OF THE LINCOLN SQUARE – ALICE STREET RECREATION CORRIDOR PROJECT IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT (NO. C329610) AND CONTRACTOR'S BID THEREFOR

WHEREAS, on October 28, 2010, six bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Lincoln Square – Alice Street Recreation Corridor Project (No. C329610); and

WHEREAS, McGuire and Hester, a certified LBE bidding as a prime, is the lowest responsible, responsive bidder for the project; and

WHEREAS, the Redevelopment Agency Board has authorized a transfer of funds to the City of Oakland to pay for this contract; and

WHEREAS, the City of Oakland has received a grant from the Stewardship Council Infrastructure Grant Program to help fund this project; and

WHEREAS, Oakland Municipal Code 2.04.020.B requires Council approval of construction contracts in excess of \$50,000.00 when Redevelopment Agency funds will be used to pay for the contract; and

WHEREAS, there are sufficient funds in Fund 7780, Project Nos. C329610 and C329620 and there will be sufficient funds in Fund 2999, in a project number to be established for the contract work; 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 and is of a professional, scientific or technical and temporary nature; and

WHEREAS, McGuire and Hester complies with all LBE/SLBE requirements; 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 construction of the Lincoln Square - Alice Street Recreation Corridor Project (Project No.C329610) is hereby awarded to McGuire and Hester in accordance with the plans and specifications for the project and terms of the contractor's bid therefore, dated November 4, 2010, for the amount of seven hundred fifty-four thousand two hundred fifteen (\$754,215.00) to be paid for with Oakland Redevelopment Agency funds and a Stewardship Council Infrastructure Program Grant; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the Council hereby approves the plans and specifications for this project; and be it

FURTHER RESOLVED: That the 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 submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; 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

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2010, 2010

PASSED BY THE FOLLOWING VOTE:


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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST.


La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California