Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 MAR 27 PM 4:11

# OAKLAND CITY COUNCIL

## RESOLUTION NO. 84298 C.M.S.

Introduced by Councilmember _____

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR CHAPMAN AND LANCASTER STREETS SIDEWALK IMPROVEMENT PROJECT – PHASE II (PROJECT NO. G381113) TO ROSAS BROTHERS CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF TWO HUNDRED TWENTY FOUR THOUSAND, SIX HUNDRED AND TWENTY FIVE DOLLARS ($224,625.00) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID**

**WHEREAS,** the City of Oakland was awarded California Department of Transportation funds for Chapman and Lancaster Streets Sidewalk Improvement Project – Phase II (G381113); and

**WHEREAS,** on December 20, 2012, seven bids were received by the Office of the City Clerk of the City of Oakland for this project; and

**WHEREAS,** Rosas Brothers Construction, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS,** Rosas Brothers Construction, complies with the City of Oakland Local Business Enterprise and Small Local Business Enterprise Program requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work that will be available in the following project accounts:

- California Department of Transportation Fund (2140); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411);

**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, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; 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; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the Chapman and Lancaster Streets Sidewalk Improvement Project – Phase II (G381113) to Rosas Brothers Construction, the lowest responsive and responsible bidder, in the amount of Two Hundred and Twenty Four Thousand, Six Hundred and Twenty Five Dollars ($224,625.00) in accord with the project plans and specifications and the contractor's bid dated December 20, 2012; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the contract with Rosas Brothers Construction within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to reject all other bids; 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 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, APR 16 2013.

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN – 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: LaTonda Simmons

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