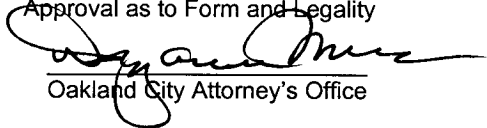


OFFICE OF THE CITY CLERK

2007 DEC 27 PM 12:11

Approval as to Form and Legality



Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 81036 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER FOR PHASE I OF THE LEVELING THE PLAYING FIELD PROJECT (CITY PROJECT NO. C290810) TO IMPROVE GIRL'S SOFTBALL FIELDS AT FRANKLIN, GOLDEN GATE, MCCONNELL AND KING ESTATE FIELDS IN AN AMOUNT NOT-TO-EXCEED SIX HUNDRED SIXTY-ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$661,750.00)**

**WHEREAS**, on November 19, 2007, five bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Leveling the Playing Field Project (Project No.C290810); and

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

**WHEREAS**, there are sufficient funds available in State Grant, Fund 2134; Project C290810; Capital Program Organization 92270; Landscape Improvement Account 57112 in the amount of \$554,774.00; Program IN06; Raider's Surcharge, Fund 1010, Project P43310; Capital Program Organization 92270; Landscape Improvement Account 57112 in the amount of \$149,020.00; Program IN06; and Neighborhood Project Initiative Fund 7780; Project P333710; Organization 88669; Demolition Cost Account 57115 in the amount of \$46,000.00; Program IN06 for total funds of \$ 749,794.00. This resolution will authorize a \$661,750.00 construction contract with McGuire and Hester.

**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

**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 Leveling the Playing Field Project (Project No.C290810) is hereby awarded to McGuire and Hester in accordance with the project specifications and plans and terms of the contractor's bid therefore, dated November 19, 2007, in the amount of six hundred sixty-one seven hundred fifty dollars (\$661,750.00); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specification 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 contractor shall be required to meet all City of Oakland contracting policies and programs including, but not limited to, local and small local business enterprise, equal benefits and apprenticeship hiring; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments and payment requests, in compliance with all applicable current city, state and federal laws which may be necessary for the completion of the aforementioned Project; 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 for form and legality 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, JAN 15 2008, 2008

**PASSED BY THE FOLLOWING VOTE:**

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

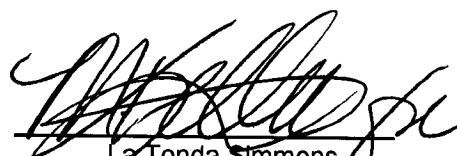
NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

*Excused- De La Fuente- 1*

ATTEST:

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