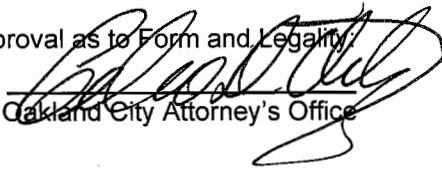


Approval as to Form and Legality

Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 DEC -4 PM 3:58

OAKLAND CITY COUNCIL
RESOLUTION No. 81737 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION, INC., FOR THE FREMONT POOL IMPROVEMENT PROJECT (NO. P353410) IN THE AMOUNT OF THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00)

WHEREAS, the Fremont Pool facility at 4559 Foothill Boulevard is in need of exterior improvements to address issues of blight in the area; and

WHEREAS, on June 2, 2008, the Central City East Redevelopment Project Area Committee recommended the use of Redevelopment funds for the Fremont Pool Improvement project; and

WHEREAS, on June 24, 2008, the City Council approved Resolution No. 81840 C.M.S., which approved the use of the Central Central East Redevelopment Area funds for the Fremont Pool Improvement project; and

WHEREAS, on November 13, 2008, the City Clerk received three bids for the Fremont Pool Improvement project; and

WHEREAS, Bay Construction, Inc. (Oakland), AJF Builders (Vallejo), and Rockridge Builders (Oakland), submitted bids of \$310,000.00, \$378,647.00, and \$467,078.00 respectively; and

WHEREAS, the lowest, responsive, and responsible bid of \$310,000.00 was submitted by Bay Construction, Inc.; and

WHEREAS, Bay Construction, Inc., has met the City's L/SLBE program requirements; and

WHEREAS, sufficient funding of \$387, 500.00 is available for the construction contract (and contingency) from the Central City East Redevelopment Area fund (Fund 7780) in the Fremont Pool Improvement project (No. P353410); 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

WHEREAS, the City Council finds that services under this contract will be temporary; 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, or the City Administrator's designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for the Fremont Pool Improvement project to Bay Construction, Inc., in the amount of three hundred ten thousand dollars (\$310,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$310,000.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$310,000.00, with respect to such work are hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JAN - 6 2009, 2009

PASSED BY THE FOLLOWING VOTE:

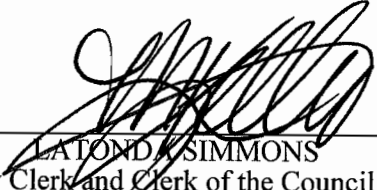
AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California