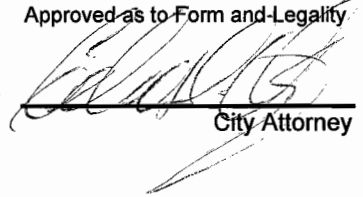


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2009 FEB 11 PM RESOLUTION No. 81811 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN VARIOUS LOCATIONS OFF REDWOOD ROAD, TARTAN WAY, CRESTMONT DRIVE, KIMBERLIN HEIGHTS DRIVE, AND ELINORA AVENUE (PROJECT NO. C262310) FOR THE AMOUNT OF FOUR HUNDRED FORTY THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$440,525.00)

WHEREAS, on November 20, 2008, six bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation Of Sanitary Sewers In Various Locations Off Redwood Road, Tartan Way, Crestmont Drive, Kimberlin Heights Drive, And Elinora Avenue (Project No. C262310); and

WHEREAS, KJ Woods Construction, the lowest bidder did not meet the 20% L/SLBE requirement and was deemed non-responsive; and

WHEREAS, Mosto Construction, Inc., a certified SLBE bidding as a prime, is deemed 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 following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C262310; \$440,525.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; 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, Mosto Construction, Inc. complies with all LBE/SLBE and trucking 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 construction contract for the rehabilitation of sanitary sewers in various locations off Redwood Road, Tartan Way, Crestmont Drive, Kimberlin Heights Drive, And Elinora Avenue (Project No. C262310) is hereby awarded to Mosto Construction, Inc. in accordance with the terms of its bid therefore, dated November 20, 2008, for the amount of Two Hundred Fifty-Four Thousand Nine Hundred Ten Dollars (\$440,525.00); 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, \$440,525.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$440,525.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a construction contract with Mosto 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 construction 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, MAR 3 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER - 7

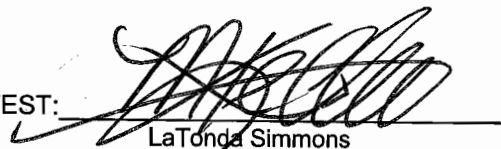
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST:



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