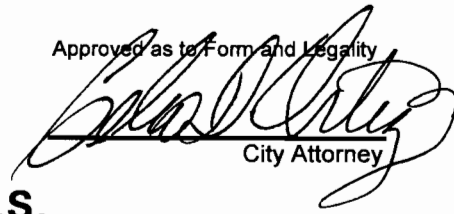


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2013 MAR 27 AM 10:40 RESOLUTION NO. 84303 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY ELINORA AVENUE AND REINHARDT DRIVE (PROJECT NO. C329130), IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED SEVENTY-ONE THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS (\$271,672.00)**

**WHEREAS**, on January 17, 2013, four bids were received by the Office of the City Clerk of the City of Oakland for The Rehabilitation of Sanitary Sewers in the Easement by Elinora Avenue and Reinhardt Drive (Project No. C329130); and

**WHEREAS**, Mosto Construction, 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 in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329130; \$271,672.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, 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 Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, and 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**, Mosto Construction complies with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Administrator has determined 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 the Easement by Elinora Avenue and Reinhardt Drive (Project No. C329130) is hereby awarded to Mosto Construction in accordance with the project plans and specifications and the contractor's bid therefore, dated January 17, 2013, for the amount of Two Hundred Seventy-One Thousand Six Hundred Seventy-Two Dollars; 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 for this project, as authorized by City Ordinance no. 13039, are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$271,672.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$271,672.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with Mosto Construction 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 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, APR 16 2013, 20    

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, KALB, GIBSON MCELHANEY, KAPLAN, REID, GALLO, 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