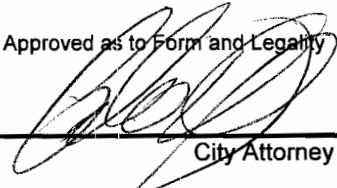


Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 FEB 14 PM 12:09

OAKLAND CITY COUNCIL

RESOLUTION No. 84229 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) TO DISNEY CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF TWO MILLION EIGHT HUNDRED FOURTEEN THOUSAND NINE HUNDRED FOURTEEN DOLLARS (\$2,814,914.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for construction of the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

WHEREAS, this project was previously bid in August 2011 and a lowest responsible and responsive bidder was awarded a contract in November 2011; and

WHEREAS, after the contract award, the contractor requested to be released from the contract; and

WHEREAS, it was determined that it was in the City's best interest to release the contractor and rebid the project; and

WHEREAS, on December 13, 2012, five bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, Disney Construction, Inc., bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, Disney Construction, Inc. complies with the federal Disadvantaged Business Enterprise (DBE) Program requirements; and

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

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; \$2,814,914.00

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 Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) to Disney Construction, Inc., the lowest responsive and responsible bidder, in the amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) in accord with the project plans and specifications and the contractor's bid dated December 13, 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 Disney Construction, Inc. 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, MAR 5 2013

PASSED BY THE FOLLOWING VOTE:

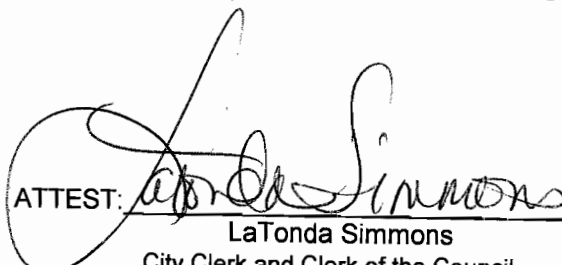
AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, ~~WELLS~~, SCHAAF, and PRESIDENT KERNIGHAN ~ 7

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