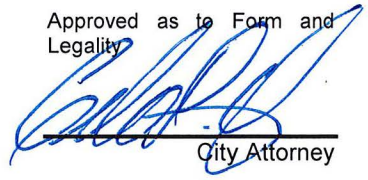


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 JUL -2 AM 10:58

OAKLAND CITY COUNCIL

RESOLUTION No. 85712 C.M.S.


City Attorney

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO D-LINE CONSTRUCTORS, THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE SAUSAL CREEK RESTORATION PROJECT IN DIMOND PARK (PROJECT NO. C395912) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED AND THIRTEEN THOUSAND DOLLARS (\$2,913,000.00)

WHEREAS, City Council has authorized and approved the Sausal Creek Restoration Project per Council Resolution 81764 C.M.S. on December 22, 2008 that authorized the City Administrator to accept and appropriate \$1,818,980.00 in grant funding from the California State Resources Agency for implementation of the Sausal Creek Restoration Project in Dimond Park; and

WHEREAS, the Sausal Creek Restoration Project has received California Environmental Quality Act clearance under the City of Oakland Measure DD Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048 and a project-specific CEQA Addendum was completed in December 2013; and

WHEREAS, construction documents for the Sausal Creek Restoration Project have been prepared and construction bids were received on May 21, 2015; and

WHEREAS, D-Line Constructors, a certified LBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; and

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

WHEREAS, D-Line Constructors shall comply with LBE/SLBE requirements and all other City programs and policies; 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 City Administrator or her designee is authorized to award a construction contract to D-Line Constructors, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated May 21, 2015, for the Sausal Creek Restoration Project in Dimond Park (Project No. C395912) in an amount not to exceed two million, nine-hundred and thirteen thousand dollars (\$2,913,000.00); and be it

FURTHER RESOLVED: That there are sufficient funds in the project budget for the work under the following sources:

- Measure DD Fund (5321); Watershed and Stormwater Organization Capital Project Organization (92242); Construction Activities Account (57411); Project (C395912);
- State Grants Fund (2159); Watershed and Stormwater Organization Capital Project Organization (92242); Construction Activities Account (57411); Project (C436110); and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with D-Line Constructors on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the successful contractor shall provide 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 prior to execution of the contract; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, JUL 21 2015

PASSED BY THE FOLLOWING VOTE:

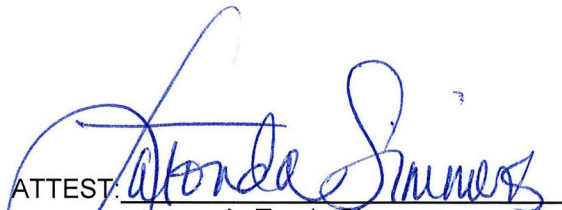
AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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