

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. 84512 C.M.S.

2013 JUN 27 PM 3:02

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

City Attorney

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO J. HOWARD ENGINEERING, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS AND STORM DRAIN IN THE EASEMENT BETWEEN YORK STREET AND ERIE STREET AND SANITARY SEWERS IN THE EASEMENT BY WELLINGTON STREET AND IN THE EASEMENT BY BRIGHTON AVENUE (PROJECT NO. C329131), IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED THIRTY-EIGHT THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$338,175.00)**

**WHEREAS**, on May 9, 2013, four bids were received by the Office of the City Clerk of the City of Oakland for The Rehabilitation of Sanitary Sewers and Storm Drain in the Easement Between York Street and Erie Street and Sanitary Sewers in the Easement by Wellington Street and in the Easement by Brighton Avenue (Project No. C329131); and

**WHEREAS**, J. Howard Engineering, 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 in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329131; \$338,175.00; 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**, J. Howard Engineering, Inc. 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 and Storm Drain in the Easement Between York Street and Erie Street and Sanitary Sewers in the Easement by Wellington Street and in the Easement by Brighton Avenue (Project No. C329131) is hereby awarded to J. Howard Engineering, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated May 9, 2013, for the amount of Three Hundred Thirty-Eight Thousand One Hundred Seventy-Five Dollars; 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 City Administrator, or her designee, is hereby authorized to enter into a contract with J. Howard Engineering, 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 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, JUL 16 2013, 20    

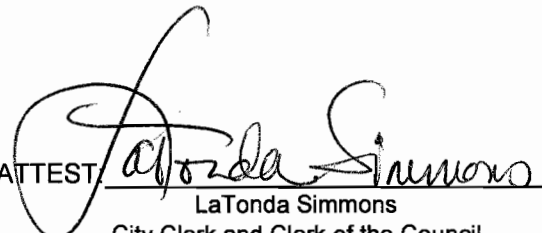
**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and  
PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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