

2018 JAN 31 AM 10:06

OAKLAND CITY COUNCIL

RESOLUTION NO. 87054 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE TASSAFARONGA GYM WATERPROOFING (PROJECT NUMBER 1003446), IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND WITH THE CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED FORTY-FIVE THOUSAND NINE HUNDRED NINETY DOLLARS (\$345,990.00)

WHEREAS, the Tassafaronga Gym, located at 975 85th Avenue in Council District 7, is operated by the Oakland Parks and Recreation Department and is where various community indoor athletic programs are hosted; and

WHEREAS, the gym has been closed to the public since February 2015 due to water damaged indoor sports flooring caused by water intrusions through the gaps and cracks on concrete block walls, exterior doorways, and the concrete slab; and

WHEREAS, the funding for the Tassafaronga Gym Waterproofing (Project Number 1003446) was approved for appropriation by the City Council through the Measure KK: Infrastructure and Affordable Housing Bond and Housing Related Parks Program Grant; and

WHEREAS, the project was advertised on November 10, 2017, and four bids were received by the Office of the City Clerk on December 14, 2017; and

WHEREAS, Bay Construction Company, a certified SLBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$345,990.00; and

WHEREAS, there are sufficient funds in the project budget for the work under the following sources:

- Measure KK: Infrastructure and Affordable Housing Bond Fund (5330); Capital Projects Organization (92270); Capital Improvements – Buildings Additions and Improvements Account (57212); Tassafaronga Gym Repair Project (1003446); and Award (23253)

- California Housing and Community Development Fund (2144); Capital Projects Organization (92270); Capital Improvements - Buildings Additions and Improvements Account (57212); Tassafaronga Gym Repair Project (1003446); and Award (23353); 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, and that the performance of this contract is in the public interest because of economy or better performance; 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; and

WHEREAS, Bay Construction Company shall comply with LBE/SLBE requirements and all other City programs and policies; now therefore be it

RESOLVED: That the City Administrator or designee is authorized to award a construction contract to Bay Construction Company, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated December 14, 2017, for the Tassafaronga Gym Waterproofing (Project Number 1003446), in an amount of Three Hundred Forty-Five Thousand Nine Hundred Ninety Dollars (\$345,990.00); 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 City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of the said project without return to the City Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Bay Construction Company fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to the City Council; 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, FEB 20 2018

PASSED BY THE FOLLOWING VOTE:

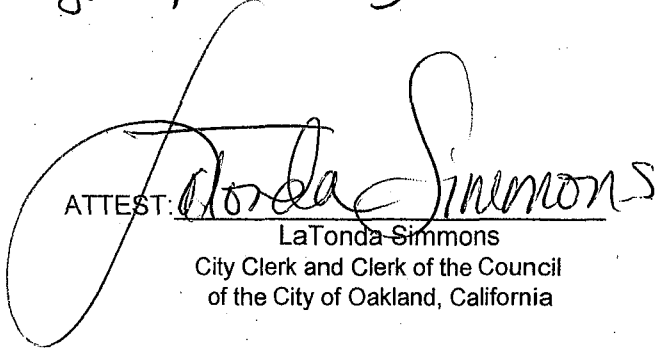
AYES - ~~XXXXXXXXXXXXXXXXXXXX~~, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, ~~XXXXXXXXXXXXXXXXXXXX~~ ⁵

Excused - Brooks, Campbell, Washington, Reid - 3

NOES - 0

ABSENT - 0

ABSTENTION - 0

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