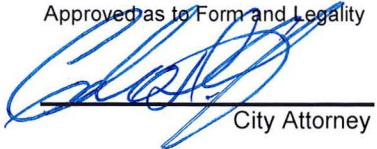


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 MAY 28 AM 10:00

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85654 C.M.S.

Introduced by Councilmember _____

ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE SAN PABLO AVENUE STREETScape PROJECT, FROM 17TH STREET TO CASTRO STREET (PROJECT NO. C464570) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION TWO HUNDRED THREE THOUSAND SIX HUNDRED SIXTY DOLLARS (\$1,203,660.00)

WHEREAS, the City has received State Proposition 1C Infrastructure grant funds that are eligible for the proposed work; and

WHEREAS, on April 2, 2015, two bids were received by the Office of the City Clerk of the City of Oakland for the San Pablo Avenue Streetscape Project, from 17th Street to Castro Street (Project No. C464570) in the amount of One Million Two Hundred Three Thousand Six Hundred Sixty Dollars (\$1,203,660.00) and One Million Eighteen Thousand One Hundred Sixty-Four Dollars and Twenty-Five Cents (\$1,018,164.25); and

WHEREAS, the Engineer's estimate for the construction work (including bid alternate) is \$1,294,269.00; and

WHEREAS, the apparent low bidder is deemed nonresponsive for not meeting contract requirements; and

WHEREAS, McGuire and Hester, the second low bidder, is deemed to be the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is in the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, there are sufficient funds for the contract work in the following project accounts:

- California Housing and Community Development Fund (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Project C464570; \$1,203,660.00; and now, therefore be it

RESOLVED: That the City Administrator is authorized to award a construction contract for the San Pablo Avenue Streetscape Project, from 17th Street to Castro Street (Project C464570) to McGuire and Hester, the lowest responsive, responsible bidder, in accordance with plans and specifications for the Project and contractor's bid therefore, dated April 2, 2015, in the amount of One Million Two Hundred Three Thousand Six Hundred Sixty Dollars (\$1,203,660.00); and be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with McGuire and Hester, 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 plans and specifications prepared for this project, including any subsequent changes during construction that will be reviewed and adopted by the Director, or designee, are hereby approved; 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.

JUN 17 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, ~~KAPLAN~~, REID, AND PRESIDENT GIBSON MCELHANEY - **7**

NOES - **0**

ABSENT - **1 Kaplan**

ABSTENTION - **0**

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