

FILED
OFFICE OF THE CITY CLERK
OAKLAND

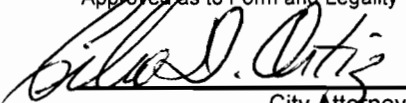
2013 MAR 27 PM 4:11

OAKLAND CITY COUNCIL

RESOLUTION No. 84299 C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality


City Attorney

RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR FRUITVALE AVENUE SIDEWALK IMPROVEMENT PROJECT – PHASE III (PROJECT NO. G381114) TO ROSAS BROTHERS CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF TWO HUNDRED AND EIGHT THOUSAND, THREE HUNDRED AND NINETY THREE DOLLARS AND FIFTY CENTS (\$208,393.50) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR’S BID

WHEREAS, the City of Oakland was awarded California Department of Transportation funds for Fruitvale Avenue Sidewalk Improvement Project – Phase III (G381114); and

WHEREAS, on December 20, 2012, five bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, Rosas Brothers Construction, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, Rosas Brothers Construction, complies with the City of Oakland Local Business Enterprise and Small Local Business Enterprise Program; and

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

- Department of Transportation Fund (2140); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411)

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, Rosas Brothers Construction complies with all LBE/SLBE and trucking requirements; 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 a construction contract for the Fruitvale Avenue Sidewalk Improvement Project – Phase III (G381114) is hereby awarded to Rosas Brothers Construction, the lowest responsive and responsible bidder, in the amount of Two Hundred and Eight Thousand, Three Hundred and Ninety Three Dollars and Fifty Cents (\$208,393.50) in accord with the project plans and specifications and the contractor's bid dated December 20, 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 Rosas Brothers 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 faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished are in the amount of 100% of the contract price and are 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.

APR 16 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

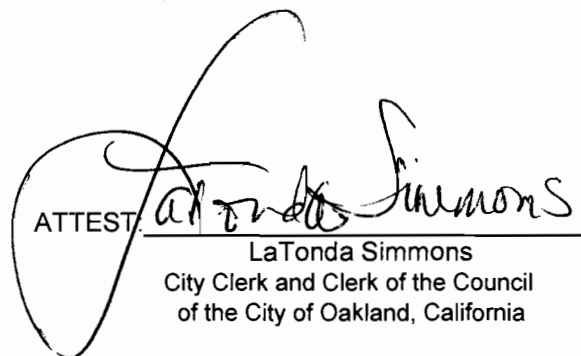
AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



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