  
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 79825 C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO DARCY & HARTY CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS AT VARIOUS LOCATIONS-THE EASEMENT BETWEEN MERRITT AVENUE AND WESLEY AVENUE, STONEWALL ROAD, DELMONT AVENUE AND OAKDALE AVENUE, THE EASEMENT BETWEEN NEY AVENUE AND OUTLOOK AVENUE, THE EASEMENT BETWEEN GLENBROOK DRIVE AND YORKSHIRE DRIVE AND THE EASEMENT BETWEEN GRAND AVENUE AND WALKER AVENUE (PROJECT NO. C260910) FOR THE AMOUNT OF THREE HUNDRED FIFTY-TWO THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS (\$352,457.00)

**WHEREAS**, on December 19, 2005, five bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers at Various Locations-the Easement Between Merritt Avenue and Wesley Avenue, Stonewall Road, Delmont Avenue and Oakdale Avenue, the Easement Between Ney Avenue and Outlook Avenue, the Easement Between Glenbrook Drive and Yorkshire Drive and the Easement Between Grand Avenue and Walker Avenue (Project No. C260910); and

**WHEREAS**, Darcy & Harty Construction, Inc., a certified SLBE bidding as a prime with 2% bid discount, is the lowest responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100); Capital Projects-Sanitary Sewer Design Organization (92244); Sewers Account (57417); the Rehabilitation of Sanitary Sewers at Various Locations-(Project No. C260910), and these funds were specifically allocated for this project; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, Darcy & Harty Construction, Inc. complies with all LBE/SLBE 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 services; now, therefore, be it

**RESOLVED**: That the contract for the Rehabilitation of Sanitary Sewers at Various Locations-(Project No. C260910) is hereby awarded to Darcy & Harty Construction, Inc. in accordance with the terms of its bid therefore, dated December 19, 2005, for the amount of Three Hundred Fifty-Two Thousand Four Hundred Fifty-Seven Dollars (\$352,457.00) ; and be it

**FURTHER RESOLVED**: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED**: That the amount of the bond for faithful performance, \$352,457.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$352,457.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED**: That the City Administrator is hereby authorized to enter into a contract with Darcy & Harty Construction, 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 and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED**: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk; and be it

**FURTHER RESOLVED**: That the approval of this resolution requires a two-thirds vote of the Council members.

**APR 4 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

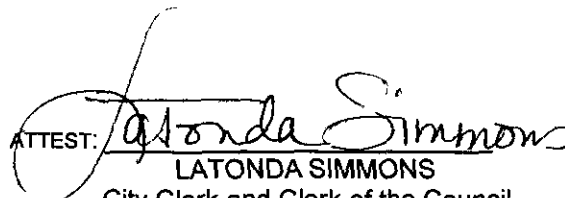
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California