

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 FEB -2 PM 1:30

OAKLAND CITY COUNCIL

RESOLUTION NO. 83724 C.M.S.

Approved as to Form and Legality


City Attorney

RESOLUTION: 1) REJECTING ALL FIRST ROUND BIDS FOR THE CESAR CHAVEZ PARK IMPROVEMENT PROJECT (NO. C329410); AND 2) AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE AND RESPONSIBLE SECOND ROUND BIDDER, BAY CONSTRUCTION IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT (NO. C329410) AND CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION SIX HUNDRED SEVENTY FOUR THOUSAND FIVE SEVENTY EIGHT DOLLARS (\$1,674,578.00)

WHEREAS, Cesar Chavez Park is an existing 1.4 acre park along Foothill Boulevard between Bridge and 38th Avenues in the Fruitvale District and the City wishes to make improvements in accordance with community supported master plan; and

WHEREAS, City competed and received a grant from the Proposition 84 Statewide Park Grant to implement the Cesar Chavez Park project; and

WHEREAS, the Cesar Chavez Park Improvement Project was initially bid on October 27, 2011, in which four bids were received by the Office of the City Clerk; and

WHEREAS, two of three bidders received incomplete bid packages; and

WHEREAS, the City re-advertised the project on November 14; and

WHEREAS, five bids were received by the Office of the City Clerk on December 1, 2011, for the Cesar Chavez Park Improvement Project; and

WHEREAS, Bay Construction, a certified local business is the lowest responsible, responsive bidder for the base bid and three alternates; and

WHEREAS, funds of \$1,674,578.00 for the Cesar Chavez Park Improvement construction contract are available in State Parks Grant Fund 2134, Project No. G427110, Capital Project Management Organization 92270; 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

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 Council awards a contract to the lowest, responsible, responsive bidder, Bay Construction, for the amount of one million six hundred seventy four thousand five hundred seventy eight (1,674,578.00) for the construction of the Cesar Chavez Park Improvement Project (No. C329410) in accord with plans and specifications for the Project and contractor's bid dated December 1, 2011; 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 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 Council hereby approves the plans and specifications for the Cesar Chavez Park Improvement project; 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.

FEB 21 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

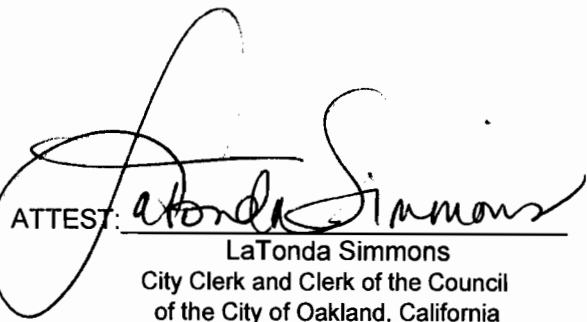
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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