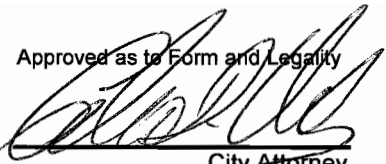


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2013 JUN 27 PM 3:06

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION No. 84513 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO AWARD AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACT TO BAY CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE MANDELA PARKWAY, FOR A TERM OF TWO (2) YEARS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY FOUR THOUSAND NINE HUNDRED DOLLARS (\$224,900.00) OR \$112,450.00 ANNUALLY, IN ACCORD WITH CONTRACTOR'S BID, WITH TWO (2) ONE-YEAR EXTENSIONS OF THE CONTRACT AT THE CITY'S DISCRETION BASED UPON FUNDING, NEED AND SATISFACTORY PERFORMANCE, FOR A GRAND TOTAL CONTRACT AMOUNT FOR A TWO YEAR TERM AND TWO (2) ONE YEAR EXTENSIONS OF FOUR HUNDRED FORTY NINE THOUSAND EIGHT HUNDRED DOLLARS (\$449,800.00)

WHEREAS, the Mandela Parkway (formally the elevated Cypress structure of Highway 17), was flattened and then demolished after the 1989 Loma Prieta earthquake; and

WHEREAS, Caltrans, the City and the Community Advisory committee worked together to create a plan to eliminate blight and benefit the surrounding community and the result was the tree-lined and fully landscaped Mandela Parkway; and

WHEREAS, the Mandela Parkway project was constructed and maintained by CalTrans' contractor; and

WHEREAS, in 2008 the City of Oakland contracted the landscape maintenance to RMT Landscape Contractors who was the original landscape contractor; and

WHEREAS, in 2012 the City of Oakland contracted the landscape maintenance to Coast Landscape Management and this contract will expire on December 31, 2013; and

WHEREAS, it was determined that it was in the City's best interest to rebid the contract; and

WHEREAS, on March 14, 2013, 3 bids were received by the Office of the City Clerk for this contract; and

WHEREAS, 1 of the 3 bids were deemed non-responsive to City's Local Business Enterprise/ Small Local Business Enterprise (LBE/SLBE), trucking or bid submittal requirements; and

WHEREAS, the City lacks the equipment and personnel to perform the necessary work, 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; now, therefore, be it

RESOLVED, That the City Administrator or her designee is authorized to award and execute a landscape maintenance contract to Bay Construction, the lowest responsive and responsible bidder, for the Mandela Parkway in the amount not to exceed two hundred twenty four thousand nine hundred dollars (\$224,900.00), (or \$112,450.00 annually) with two (2) one-year extensions at the City's discretion based upon funding, need, and satisfactory performance, for a grand total contract amount of \$449,800.00; and be it

FURTHER RESOLVED, That the City Council hereby approves the plans and specifications prepared at the direction of the Director of the Public Works Agency for this contract; and be it

FURTHER RESOLVED, That the City Administrator or her designee is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, That Bay Construction 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 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, JUL 16 2013

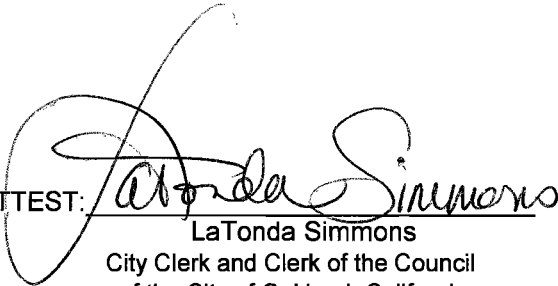
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, 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