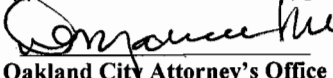


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 16 AM 8:47

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 81952 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, ROSAS BROTHERS CONSTRUCTION, FOR THE WILLIE WILKINS PARK IMPROVEMENT PROJECT (CITY PROJECT NO. C352920) IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$178,500.00)

WHEREAS, on February 5, 2009, nine bids were received by the Office of the City Clerk of the City of Oakland for the construction of the Willie Wilkins Park Improvement Project (Project No.C352920); and

WHEREAS, P & J Utility, JH Fitzmaurice, Malachi Construction and Ashbury Homes Inc. were found non-responsive due to failure to meet the minimum 20% Local/Small Local Business Enterprise (L/SLBE) requirements, and B. Side Inc., Ashbury Homes Inc. and P&J Utility were found non-responsive for not meeting the trucking participation requirement; and

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

WHEREAS, there are sufficient funds available for the project in Redevelopment Agency Fund 7780; Project C352920; Capital Program Organization 92270; Landscape Improvement Account 57112 and Construction Contingency Account 54011, Program IN06; and

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

WHEREAS, Rosas Brothers Construction 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 construction of the Willie Wilkins Park Improvement Project (Project No.C352920) is hereby awarded to Rosas Brothers Construction in accordance with the project specifications and plans and terms of the contractor's bid therefore, dated February 5, 2009, in an amount not-to-exceed One Hundred Seventy-Eighty Thousand Five Hundred Dollars (\$178,500.00); and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specification for this project; 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 Administrator is hereby authorized to enter into a contract with Rosas Brothers Construction 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 for form and legality 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 5 2009 , 2009

PASSED BY THE FOLLOWING VOTE:

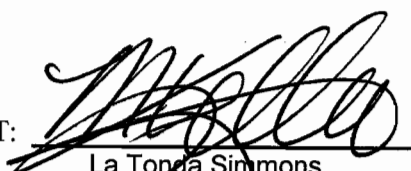
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~NADEL~~, and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid - 1

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