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OFFICE OF THE CITY CLERK  
OAKLAND

2011 OCT 13 PM 2:27

# OAKLAND CITY COUNCIL

RESOLUTION No. 83620 - C.M.S.

Introduced by Councilmember \_\_\_\_\_

Approved as to Form and Legality

  
City Attorney

**A RESOLUTION AWARDDING A CONSTRUCTION CONTRACT TO WEST BAY BUILDERS, INC., THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810), IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION FOUR HUNDRED FORTY-NINE THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$2,449,362.84)**

**WHEREAS**, on August 25, 2011, six bids were received by the Office of the City Clerk of the City of Oakland for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

**WHEREAS**, Reyes Construction, Inc., the apparent low bidder, did not meet the minimum 2.9% federal Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) participation goal; and

**WHEREAS**, West Bay Builders, Inc., the second lowest bidder, met all bidding requirements and is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work in the following project account:

- Department of Transportation Fund (2116); Capital Improvement Projects-Streets & Structures Organization (92242); Construction Contract Account (57411); Project C346810; \$2,729,948.00

**WHEREAS**, West Bay Builders, Inc. complies with the federal Underutilized Disadvantaged Business Enterprise (UDBE) Program requirements; and

**WHEREAS**, the City Council finds that 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 and temporary nature; and

**WHEREAS**, the City Administrator has determined 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 construction contract for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) is hereby awarded to West Bay Builders, Inc. in accordance with the project plans and specifications and the contractor's bid therefore, dated August 25, 2011, in the amount of Two Million Four Hundred Forty-Nine Thousand Three Hundred Sixty-Two Dollars and Eighty-Four Cents (\$2,449,362.84); and be it

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

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$2,449,362.84, 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, \$2,449,362.84, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with West Bay Builders, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said contract 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.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 15 2011, 20    

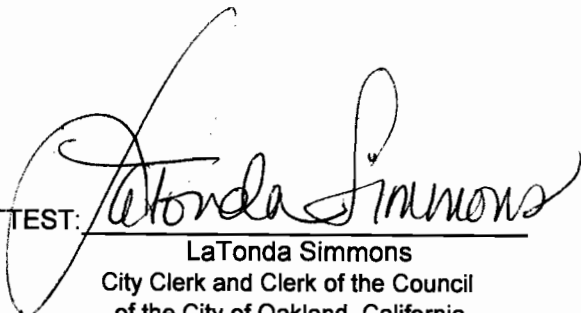
**PASSED BY THE FOLLOWING VOTE:**

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