

City Attorney

OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2011 APR 27 PM 12:59 RESOLUTION No. 83357 C.M.S.

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

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR ON-CALL CITYWIDE EMERGENCY ROADWAY REPAIRS (PROJECT NUMBER C369911) IN THE AMOUNT OF SEVEN HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED DOLLARS (\$785,300.00) OVER A TWELVE-MONTH TERM**

**WHEREAS**, on January 20, 2011, the City Clerk received four bids for On-Call Citywide Emergency Roadway Repairs (Project No. C369911); and

**WHEREAS**, Beliveau Engineering Contractors, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and 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 following project account:

- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369910; \$385,300.00
- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369911; \$400,000.00

**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**, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE and trucking 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 construction contract for the On-Call Citywide Emergency Roadway Repairs (Project No. C369911) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with plans and specifications for the project and the terms of its bid therefore, dated December 2010, for the amount of seven hundred eighty-five thousand three hundred dollars (\$785,300.00); 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, \$785,300.00, 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, \$785,300.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, is hereby authorized to enter into a contract with Beliveau Engineering Contractors, 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 in the event the contractor awarded by this resolution is determined to be nonresponsive to the timely execution of the contract as specified by the project specification, the City Administrator is hereby authorized to negotiate and award the contract for the On-Call Citywide Emergency Roadway Repairs (Project No. C369911) to the next responsive, responsible bidders for an amount up to \$853,500.00; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17 2011, 20      

**PASSED BY THE FOLLOWING VOTE:**

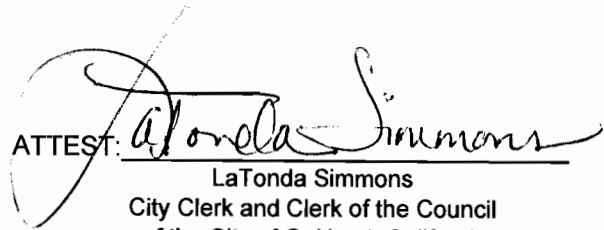
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT

REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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