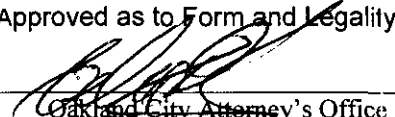


Approved as to Form and Legality

OFFICE OF THE CITY CLERK
CONTENTS


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

2005 SEP 29 PM 2:24
RESOLUTION NO.

C. M. S.

79527

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO D'ARCY & HARTY FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY 82ND AVE., CREST AVE., DOWLING ST., AND BLANDON RD. – SUBBASIN 85-004 (PROJECT NO. C96210) FOR THE AMOUNT OF TWO MILLION TWO HUNDRED NINTEY-ONE THOUSAND EIGHT HUNDRED DOLLARS (\$2,291,800.00)

WHEREAS, on May 23, 2005, one bid was received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Area Bounded by 82nd Ave., Crest Ave., Dowling St., and Blandon Rd. – Subbasin 85-004 (Project No. C96210); and

WHEREAS, D'arcy and Harty bidding as a prime with 2% bid discount, is the only 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 Sewer Service Fund (3100); Capital Project-Sanitary Sewer Design Organization (92244); Sewers Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded by 82nd Ave., Crest Ave., Dowling St., and Blandon Rd. – Subbasin 85-004 (Project No. C96210) and these funds were specifically allocated for this project; 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 is in the public interest because of economy or better performance; and

WHEREAS, D'arcy & Harty 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 Rehabilitation of Sanitary Sewers in the Area Bounded by 82nd Ave., Crest Ave., Dowling St., and Blandon Rd. – Subbasin 85-004 (Project No. C96210) is hereby awarded to D'arcy & Harty in accordance with the terms of its bid therefore, dated May 23, 2005 for the amount of Two Million Two Hundred Ninety-One Thousand Eight Hundred Dollars (\$2,291,800.00); and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$2,291,800.00, 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, \$2,291,800.00, 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 D'arcy & Harty 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 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; and be it

FURTHER RESOLVED: That the approval of this resolution requires a two-thirds vote of the Council members.

OCT 18 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, [REDACTED], KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE — 7

NOES-

ABSENT-

ABSTENTION-

Excused - Chang - 1

ATTEST: *Latonda Simmons*
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California