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RESOLUTION No. 84738 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BETWEEN THORNHILL DRIVE AND CABOT DRIVE, AND IN GOULDIN ROAD BETWEEN ALHAMBRA AVENUE AND ARMOUR DRIVE (PROJECT NO. C329133) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED SIXTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$264,575.00)**

**WHEREAS**, on September 26, 2013, four bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Easement between Thornhill Drive and Cabot Drive, and in Gouldin Road between Alhambra Avenue and Armour Drive (Project No. C329133); and

**WHEREAS**, Mosto Construction, 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:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329133; \$264,575.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, 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 nature; and

**WHEREAS**, Mosto Construction 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 service now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the Rehabilitation of Sanitary Sewers in the Easement between Thomhill Drive and Cabot Drive, and in Gouldin Road between Alhambra Avenue and Armour Drive (Project No. C329133) to Mosto Constmction, the lowest responsive and responsible bidder, in an amount of Two Hundred Sixty-four Thousand Five Hundred Seventy-Five Dollars (\$264,575.00) in accord with plans and specifications for the Project and contractor's bid dated September 26, 2013; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$264,575.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$264,575.00, 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 Mosto Constmction on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Mosto Constmction fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to reject all other bids; 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, DEC 10 2013, 20    

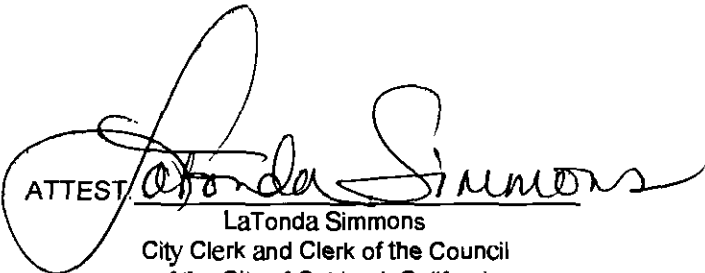
PASSED BY THE FOLLOWING VOTE:

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