

OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL****RESOLUTION No.****85021****C.M.S.**

City Attorney

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO GORDON N. BALL, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKE MERRITT SAIL BOAT HOUSE SHORELINE IMPROVEMENT (PROJECT NO. C393710) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE MILLION FIVE HUNDRED FIFTEEN THOUSAND DOLLARS (\$5,515,000)

WHEREAS, on November 5, 2002 Oakland voters passed Measure DD, the Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond authorizing the City to sell bonds to raise funds for a variety of park and water projects; and

WHEREAS, Measure DD language states "restore and renovate Lakeside Park sailboat house, including boat storage and conversion of parking lot to public shoreline area;" and

WHEREAS, the City Council re-allocated \$5,500,000 of Measure DD Series 2009B proceeds (Fund 5321) on April 1, 2014, per Resolution No. 84914 CMS for the construction contract; and

WHEREAS, this project was advertised on February 20, 2014 and three bids were received by the Office of the City Clerk on March 13, 2014; and

WHEREAS, all three bids exceed the available construction amount and one of bidders was deemed non-responsive to the City's LBE/SLBE trucking or bid program submittal requirements; and

WHEREAS, sufficient funds are available for the lowest bid amount; 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

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 City Administrator or his Designee, is authorized to award and execute a construction contract to Gordon N. Ball, Inc., the lowest responsive and responsible bidder in accordance with project plans and specifications for the Lake Merritt Sail Boat House Shoreline Improvement (Project No. C393710) and with contractor's bid in the amount of Five Million Five Hundred Fifteen Thousand Dollars (\$5,515,000); and be it

FURTHER RESOLVED, that the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Oakland Public Works Department for this project; and be it

FURTHER RESOLVED, that the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, that the successful contractor shall provide 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 prior to execution of the contract; 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.

= JUN 3 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

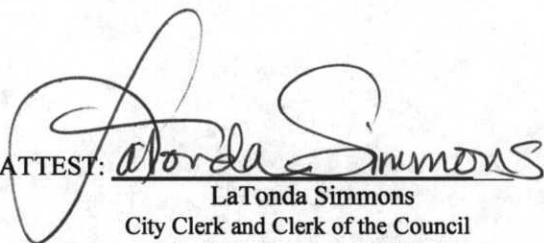
PASSED BY THE FOLLOWING VOTE:

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