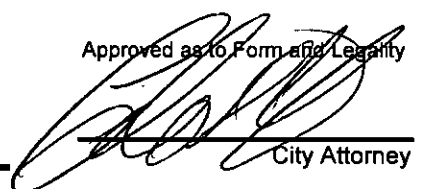


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 NOV 27 AM 9:23

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 84737 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 DELMONT AVENUE AND EDGEMOOR PLACE, THE EASEMENT BETWEEN MAJESTIC AVENUE AND LAIRD AVENUE, AND THE EASEMENT BETWEEN MODESTO STREET AND MADERA AVENUE (PROJECT NO. C329132) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED EIGHTY-THREE THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS (\$283,569.00)

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 Delmont Avenue and Edgemoor Place, the Easement Between Majestic Avenue and Laird Avenue, and the Easement Between Modesto Street and Madera Avenue (Project No. C329132); 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. C329132; \$283,569.00; 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 Delmont Avenue and Edgemoor Place, the Easement between Majestic Avenue and Laird Avenue, and the Easement between Modesto Street and Madera Avenue (Project No. C329132) to Mosto Construction, the lowest responsive and responsible bidder, in an amount of Two Hundred Eight-Three Thousand Five Hundred Sixty-Nine Dollars (\$283,569.00) 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, \$283,569.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$283,569.00, 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 Construction 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 Construction 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

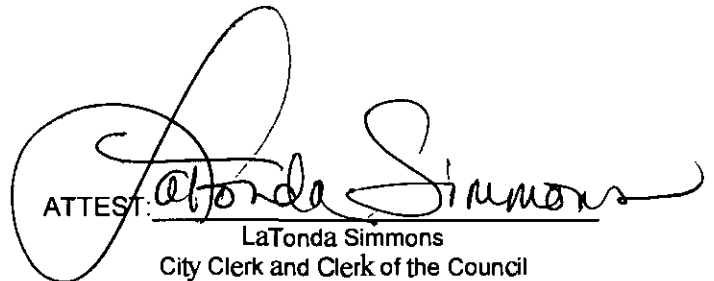
PASSED BY THE FOLLOWING VOTE:

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