

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88097 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR His DESIGNEE TO AWARD AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACT TO BAY CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE MANDELA PARKWAY, FOR A TERM OF TWO (2) YEARS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$256,000.00) OR \$128,00.00 ANNUALLY, IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID.**

**WHEREAS**, The Mandela Parkway (formally the elevated Cypress structure of Highway 17), was flattened and then demolished after the 1989 Loma Prieta earthquake; and

**WHEREAS**, Caltrans, the City and the Community Advisory committee worked together to create a plan to eliminate blight and benefit the surrounding community and the result was the tree-lined and fully landscaped Mandela Parkway; and  
; and

**WHEREAS**, On In August 2017, the City of Oakland contracted the landscape maintenance to Bay Construction and this contract will expired on March 7, 2020; and

**WHEREAS**, it was determined that it was in the City's best interest to rebid the contract; and

**WHEREAS**, on February 6, 2020 4 bids were received by the Office of the City Clerk for this contract; and

**WHEREAS**, of the four (4) bids received, Bay Construction were deemed the lowest responsible bid; and

**WHEREAS**, Caltrans, the City and the Community Advisory committee worked together to create a plan to eliminate blight and benefit the surrounding community and the result was the tree-lined and fully landscaped Mandela Parkway; 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; and

**WHEREAS**, City staff has identified funding for the Mandela Parkway in amount not to exceed two hundred fifty-six thousand dollars (\$256,000.00), (or \$128,000.00 annually); now, therefore, be it

**RESOLVED:** That the City Administrator or his designee is authorized to award and execute a landscape maintenance contract to Bay Construction, the lowest responsive and responsible bidder, for the Mandela Parkway in the amount not to exceed two hundred fifty-six thousand dollars (\$256,000.00), (or \$128,000.00 annually); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications prepared at the direction of the Director of Public Works for this contract; and be it;

**FURTHER RESOLVED:** That funding for the landscape maintenance contract is available from annual appropriations in Fund 2310 (Lighting and Landscape Assessment District Fund), Org 30652 (Landscape Maintenance), Project 1003399 (Mandela Parkway Landscape Maintenance); and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That Bay Construction 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

APR 2 1 2020

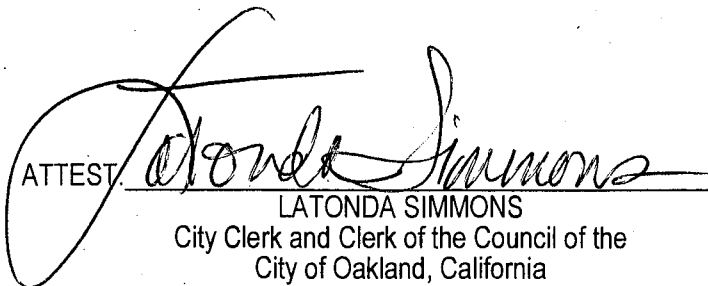
PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California