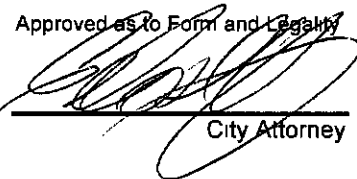


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2014 OCT 30 PM 2:30 RESOLUTION No. 85270 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE A CONSTRUCTION CONTRACT WITH BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE DURANT MINI PARK IMPROVEMENTS (PROJECT NO. C457610), AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SEVEN HUNDRED THREE THOUSAND AND THREE DOLLARS (\$703,003.00)

WHEREAS, On November 7, 2006 California voters passed Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act; and

WHEREAS, The Statewide Park Development and Community Revitalization Program of 2008 was established making \$368,000,000 available through a competitive grant process;

WHEREAS, The City Council authorized and approved Durant Mini Park as one of six projects on May 17, 2011, per Resolution No. 83367 C.M.S.; and

WHEREAS, This project first was advertised on March 20, 2014 and three bids were received by the Office of the City Clerk on April 10, 2014; and

WHEREAS, All three bids exceeded the available construction amount; and

WHEREAS, this project was re-advertised on September 4, 2014 and five bids were received by the Office of the City Clerk on September 25, 2014; and

WHEREAS, three of the bidders were deemed non-responsive to the City's LBE/SLBE or bid program submittal requirements; and

WHEREAS, Beliveau Engineering Contractors, Inc. submitted the lowest, responsive and responsible bid meeting the City's LBE/SLBE and bid program submittal requirements; and

WHEREAS, sufficient funds are available for award of five of the ten deductive alternates announced at the time of bid opening; 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 execute a construction contract with Beliveau Engineering Contractors, Inc., the lowest responsive and responsible bidder, in accordance with project plans and specifications for the Durant Mini Park Improvements (Project No. C457610) and with contractor's bid in the amount of Seven Hundred Three Thousand and Three Dollars (\$703,003.00); and be it

FURTHER RESOLVED, that the City Council hereby rejects all other bids; and be it

FURTHER RESOLVED, that the plans and specifications prepared for this project including any subsequent changes during construction, will be reviewed and adopted by the director, or his/her designee, are hereby approved; 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.

NOV 18 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

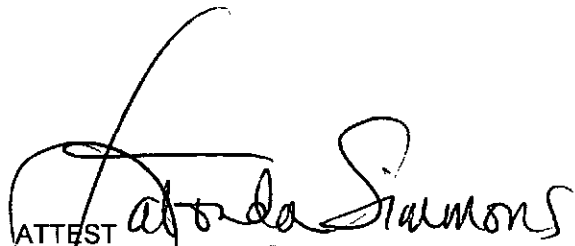
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, ~~OSBORN, McELHANEY~~, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - Gibson McElhaney - 1

ABSTENTION - 0

ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California