

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2011 AUG 29 PM 2:03 **RESOLUTION No. 83548 - C.M.S.**

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BEHIND 99TH AVENUE AND STEARNS AVENUE, EASEMENT BEHIND 2525 CHEROKEE AVENUE AND BY 9530 LAWLOR STREET (PROJECT NO. C329121) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF ONE HUNDRED SIXTY-FOUR THOUSAND ONE HUNDRED ELEVEN DOLLARS (\$164,111.00)

WHEREAS, on June 9, 2011, three bids were received by the Office of the City Clerk of the City of Oakland for The Rehabilitation of Sanitary Sewers in the Easement Behind 99th Avenue and Stearns Avenue, Easement Behind 2525 Cherokee Avenue and By 9530 Lawlor Street (Project No. C329121); 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 in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329121; \$164,111.00; 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 that the City lacks the equipment and qualified personnel to perform the necessary work, and 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 requirements; and

WHEREAS, the City Administrator has determined 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 construction contract for The Rehabilitation of Sanitary Sewers in the Easement Behind 99th Avenue and Stearns Avenue, Easement Behind 2525 Cherokee Avenue and By 9530 Lawlor Street (Project No. C329121) is hereby awarded to Mosto Construction, the Lowest Responsive and Responsible Bidder, in accordance with the project plans and specifications and the contractor's bid therefore, dated June 9, 2011, for the amount of One Hundred Sixty-Four Thousand One Hundred Eleven Dollars (\$164,111.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$164,111.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$164,111.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his 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 to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Council finds that 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 be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2011, 20

PASSED BY THE FOLLOWING VOTE:

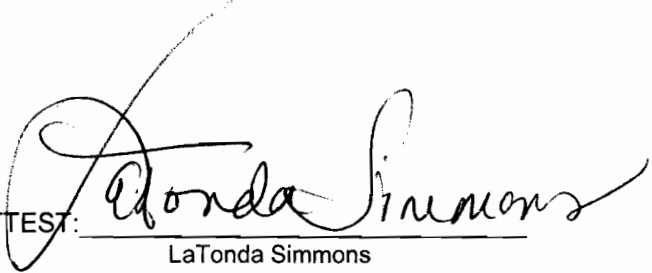
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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