

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 AM 9:09

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82277 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, MCGUIRE AND HESTER, IN AN AMOUNT NOT-TO-EXCEED TWO HUNDRED ELEVEN THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS (\$211,765.00) FOR THE CONSTRUCTION OF THE HALL OF PIONEERS CHINESE GARDEN IMPROVEMENT PROJECT IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT (NO. P338510) AND CONTRACTOR'S BID THEREFOR, TO BE PAID FOR WITH REDEVELOPMENT AGENCY FUNDS

WHEREAS, on June 18, 2009, four bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Hall of Pioneers Chinese Garden Improvement Project (No. P338510); and

WHEREAS, McGuire and Hester as a certified LBE bidding as a prime is the lowest responsible, responsive bidder for the project; and

WHEREAS, the Redevelopment Agency Board has authorized a transfer of funds to the City of Oakland to pay for this contract; and

WHEREAS, Oakland Municipal Code 2.04.020.B requires Council approval of construction contracts in excess of \$50,000 when Redevelopment Agency funds will be used to pay for the contract; and

WHEREAS, there are sufficient funds in Fund 7780, Project No. P338510, for the contract work; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, McGuire and Hester complies with all LBE/SLBE 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 services; now, therefore, be it

RESOLVED: That the contract for the construction of Hall of Pioneers Chinese Garden Improvement Project (Project No.P338510) is hereby awarded to McGuire and Hester in accordance with the terms of its bid therefore, dated June 18, 2009, for the amount of two hundred eleven thousand seven hundred sixty-five dollars (\$211,765.00), to be paid for with Redevelopment Agency funds; and be it

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

FURTHER RESOLVED: That the Council hereby approve the plans and specifications for this project; and be it

FURTHER RESOLVED: That the 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 submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; 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; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT BRUNNER - 7


NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - De La Fuente - 1

ATTEST:



La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California