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OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

2016 DEC 28 PM 3:29

OAKLAND CITY COUNCIL

RESOLUTION No. 86562 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKESIDE MERRITT IMPROVEMENT PROJECT (PROJECT NO. C394010) IN THE AMOUNT OF TWO MILLION THIRTY EIGHT THOUSAND, TWO HUNDRED TWENTY FIVE DOLLARS (\$2,038,225.00)

WHEREAS, City Council has authorized and approved the Lake Merritt Improvement Project per Council Resolution 82096 C.M.S. on June 16, 2009 that authorized the City Administrator to bond funding for implementation of the Lake Merritt Improvement Project; and

WHEREAS, the Lake Merritt Improvement Project has received California Environmental Quality Act clearance under the City of Oakland Measure DD Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048; and

WHEREAS, construction documents for the Lake Merritt Improvement Project have been prepared and construction bids were received on October 27, 2016; and

WHEREAS, McGuire and Hester, a certified LBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; 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, McGuire and Hester shall comply with federal DBE requirement; 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 her designee is authorized to award a construction contract to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated October 27, 2016, for the Lake Merritt Improvement Project (Project No. C394010) in the amount of two million thirty eight thousand, two hundred twenty five dollars (\$2,038,225.00); and be it

FURTHER RESOLVED: That the execution of the contract and use of Measure DD funds will be contingent upon the January 2017 sale of Measure DD bonds authorized by City of Oakland Council on December 13, 2016 and upon the Measure DD, Series C, Bond sale additional funds will become available as follows:

- Measure DD Fund (TBD); Capital Projects Organization (92270); Landscaping Construction (57112); Project (TBD)
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- Measure DD, Series C Fund (TBD); Capital Project Organization (92270); Construction Activities Account (57411); Project (TBD); and be it

FURTHER RESOLVED: That additional funds for the contract will be provided as follows:

- Federal Grants Fund (2116); Capital Projects Organization (92270); Street Construction Account (57212 and 57112); Project (C503410);
- Measure B, Fund (2212); Capital Project Organization (92270); Construction Activities Account (57411); Project (C428320); and be it
- Measure WW Fund (2260); Capital Projects Organization (92270); Landscaping Construction (57112); Project (C377910)

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with McGuire and Hester 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 successful contractor shall provide a 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 plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or 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, JAN 17 2017

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO,
GIBSON MCELHANEY - 7

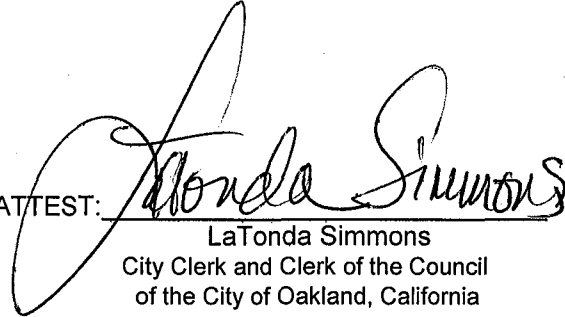
KALB, KAPLAN, REID, and PRESIDENT

NOES - 0

Excused - Guillen - 1

ABSTENTION - 0

ATTEST:



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