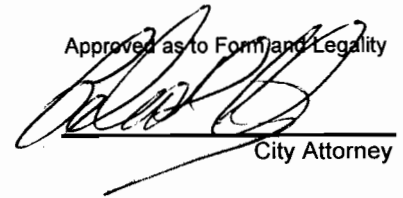


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 OCT 29 PM 3:44

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82416 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BAY CITIES PAVING AND GRADING, INC. FOR CONSTRUCTION OF 66TH AVENUE STREET IMPROVEMENT PROJECT FROM SAN LEANDRO STREET TO INTERNATIONAL BOULEVARD (PROJECT NO. P318410) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED ONE MILLION SIX HUNDRED ONE THOUSAND TWENTY-THREE DOLLARS AND FIFTY-FIVE CENTS (\$1,601,023.55)

WHEREAS, on August 13, 2009, five bids were received by the Office of the City Clerk of the City of Oakland for the Construction of 66th Avenue Street Improvement Project from San Leandro Street to International Boulevard (City Project No. P318410); and

WHEREAS, Bay Cities Paving & Grading, Inc. complies with the Race Conscious Underutilized Disadvantaged Business Enterprise and Equal Benefits Ordinance requirements bidding as a prime, and is the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project accounts:

- Oakland Redevelopment Agency Projects Fund (7780); Capital Improvement Project Coliseum Organization (94859); 66th Avenue Street Improvement Project (P318410): \$272,000.00
- Metropolitan Transportation Commission: Program Grant Fund (2163); Coliseum Redevelopment Organization (94859); 66th Avenue Street Improvement MTC Grant Project (P318430): \$1,230,000.00
- Oakland Redevelopment Agency Projects Fund (7780), Project to be determined: \$100,000; and

WHEREAS, the engineer's estimate for the work is \$2,481,209.00; 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 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 contract for the Construction of 66th Avenue Street Improvement Project from San Leandro Street to International Boulevard (Project No. P318410) is hereby awarded to Bay Cities Paving & Grading, Inc. in accordance with the terms of its bid therefore, dated August 13, 2009, in the amount of one million six hundred one thousand twenty-three dollars and fifty-five cents (\$1,601,023.55); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,601,023.55, 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, \$1,601,023.55, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Bay Cities Paving & Grading, Inc. 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 contract shall be reviewed and approved by the City Attorney 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, NOV 17 2009, 20

PASSED BY THE FOLLOWING VOTE:

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

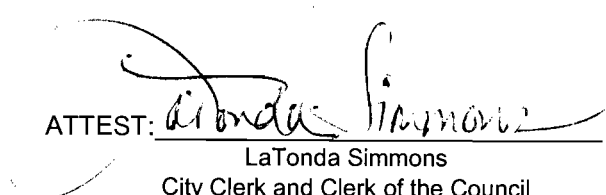
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST:


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