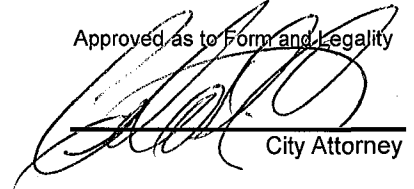


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN -2 PM 2:27

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 86237 G.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 5 (HSIP5): 98TH AVENUE, PROJECT NO. C468220 IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED NINETY THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$590,215)

WHEREAS, on December 17, 2015, one bid was received by the Office of the City Clerk for the construction of HSIP5 98th Avenue (C468220); and the bid was non-responsive and was rejected; and

WHEREAS, on March 3, 2016, two re-bids were received by the Office of the City Clerk for the construction of HSIP5 98th Avenue Project (C468220); and

WHEREAS, Bay Construction is deemed the lowest, responsible, responsive bidder for the HSIP5 98th Avenue Project (C468220), and the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 10% participation requirements; and

WHEREAS, the HSIP5 grant for 98th Avenue Project includes funds earmarked for construction contract; and the grant requires a local match as a condition of the grant; and

WHEREAS, there are sufficient funds in the project budget for the work; and

- Highway Safety Improvement Program Cycle 5 (HSIP5), Federal grant \$531,193 for construction contract. State of California, Department of Transportation, Fund 2116; Transportation Services Division Organization 92246, Project C468220, Transportation and Pedestrian Safety Program NB33; and
- Measure BB Local Match \$59,022 for construction contract, Fund 2211 and 2216, Transportation Services Division Organization 92246, Project C468221 and C491140, Transportation and Pedestrian Safety Program NB33

WHEREAS, the engineer's estimate for the work is \$493,167.28; 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

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 contract for the construction of HSIP5 98th Avenue Project is hereby awarded to Bay Construction, the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of Five Hundred Ninety Thousand Two Hundred and Fifteen Dollars (\$590,215); and be it

FURTHER RESOLVED: That the plans and specifications prepared including any subsequent changes during construction, that will be reviewed and adopted by the Director of Public Works or designee for this project are hereby approved; and be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to enter into a contract with Bay Construction on behalf of the City of Oakland and execute any amendment 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 for form and legality and placed on file in the Office of the City Clerk.

JUN 2 1 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY — 8

NOES - *Bo*
ABSENT - *Bo*
ABSTENTION - *Bo*

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