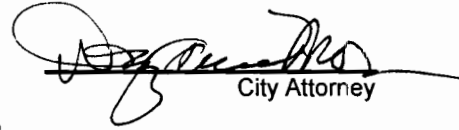


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2011 FEB 10 AM 9:46 RESOLUTION No. 83236 C.M.S.

RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF CITYWIDE BIKEWAYS, ARRA-DOE 2011 (PROJECT NO. C389410) TO LINEATION MARKINGS CORP., THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED SEVENTY THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS AND FORTY CENTS (\$270,187.40)

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) grant from the U.S. Department of Energy which included the Citywide Bikeways Project (Project C389410), and funding for the grant was accepted and appropriated by City Council on June 16, 2010, per Resolution No. 82092 C.M.S.; and

WHEREAS, Project C371610, Bicycle Facilities Design and Implementation, funded by Measure B Bicycle/Pedestrian Pass-Thru funds, was approved by City Council as part of the FY 2009-11 Adopted Policy Budget; and

WHEREAS, there are sufficient ARRA funds in the project budget for the work and \$142,863.47 is available in the following project account: Department of Energy – EECBG Program (ARRA) Fund (2609); Environmental Services Energy Group Organization (30689); Street Construction Account (57411); Citywide Bikeways Project (C389410); and

WHEREAS, there are sufficient Measure B Bicycle/Pedestrian funds in the project budget for the work and \$127,323.93 is available in the following project account: Measure B Bicycle and Pedestrian (Fund 2212); Capital Projects – Transportation Services Organization (92246); Street Construction Account (57411); Bicycle Design and Implementation Capital Improvement Program FY 09-11 (C371610); and

WHEREAS, on November 18, 2010, two bids were received by the Office of the City Clerk of the City of Oakland in response to the Notice Inviting Bids for Citywide Bikeways, ARRA-DOE 2011 (Project No. C389410); and

WHEREAS, Lineation Markings Corp. is the only responsible, responsive bidder for the project, and the bid was approximately six percent higher than the Engineer's Estimate for the project; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that the performance of this contract is in the public interest because of the economy; and

WHEREAS, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, the City Council adopted Bicycle Master Plan (2007) calls for the installation of bikeways throughout Oakland; now, therefore, be it

RESOLVED: That the contract for the Construction of Citywide Bikeways, ARRA-DOE 2011 (Project No. C389410) is hereby awarded to Lineation Markings Corp. in accordance with the terms of the contractor's bid therefore, dated November 18, 2010 in the amount of two hundred seventy thousand one hundred eighty seven dollars and forty cents (\$270,187.40); and be it

FURTHER RESOLVED: That the contactor shall provide a bond for faithful performance in the amount of \$270,187.40, and a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act in the amount of \$270,187.40; 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 City Administrator is authorized to execute any change orders, amendments, extensions or modifications of 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 prior to execution and placed on file in the Office of the City Clerk.

MAR 1 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 7

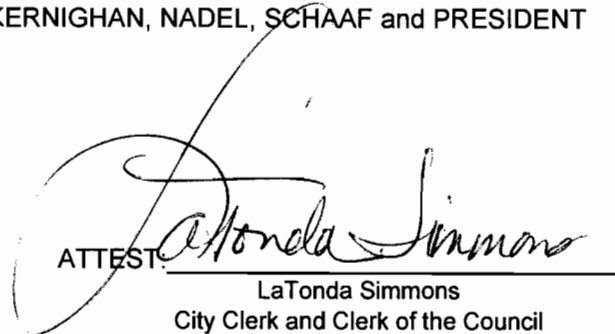
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST:



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