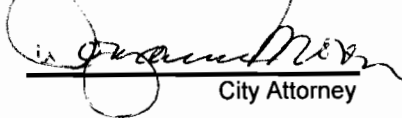


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

2011 MAR 11 AM 10:27 **OAKLAND CITY COUNCIL**

**RESOLUTION No. 83287 C.M.S.**

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**RESOLUTION AWARDING A CONTRACT TO BAY CONSTRUCTION COMPANY, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, FOR THE CONSTRUCTION OF THE MORCOM ROSE GARDEN IMPROVEMENT PROJECT (NO. C377710) IN ACCORD WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID THEREFORE IN THE AMOUNT OF ONE MILLION NINETY FOUR THOUSAND EIGHT HUNDRED TWENTY DOLLARS (\$1,094,820.00)**

**WHEREAS**, seven bids were received by the Office of the City Clerk on January 13, 2011, for the Morcom Rose Garden Improvement Project (No. C377710); and

**WHEREAS**, Bay Construction Company, a certified small local business, is the lowest responsible, responsive bidder, and has met the City's Local Business Program requirements and Equal Benefits Ordinance; and

**WHEREAS**, there are sufficient funds of \$1,240,000 available for the construction contract for the Morcom Rose Garden Improvement Project in Project No. C377710; Capital Project Organization (92270); 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 in the public interest because of economy; and

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

**WHEREAS**, the City Administrator has determined that the performance of this contract is of a professional, technical or scientific and temporary nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That the construction contract for the Morcom Rose Garden Improvement Project is hereby awarded to Bay Construction Company in accordance with project specifications and plans and terms of the contractor's bid therefore dated January 13, 2011, in the amount of one million ninety four thousand eight hundred twenty dollars (\$1,094,820.00); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for this project that the Director of the Public Works Agency had prepared; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and material furnished due under the Unemployment Insurance Act for 100% of the contract price submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to execute any amendments or modifications of the contract with Bay Construction Company within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids for said project 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; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, APR 5 2011, 2011

**PASSED BY THE FOLLOWING VOTE:**

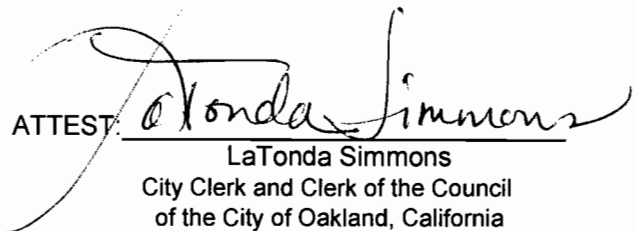
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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