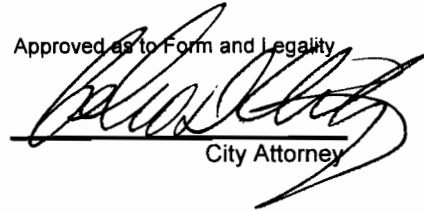


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality



City Attorney

2010 FEB 25 AM 9:35 **OAKLAND CITY COUNCIL**

RESOLUTION No. 82594 C.M.S.

RESOLUTION : 1) AWARDING A CONTRACT TO THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, RAY'S ELECTRIC, INC., FOR THE BASE BID AMOUNT OF ONE HUNDRED SEVENTY-ONE THOUSAND EIGHT HUNDRED DOLLARS (\$171,800.00) FOR THE CONSTRUCTION OF THE JOSIE DE LA CRUZ PARK PHASE 2 IMPROVEMENT PROJECT (NO. C329540) IN ACCORD WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID; 2) ACCEPTING AND APPROPRIATING A GRANT FROM THE UNITY COUNCIL IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) FOR THE PROJECT; AND 3) AUTHORIZING AN INCREASE IN THE CONSTRUCTION CONTRACT UP TO A MAXIMUM OF TWO HUNDRED EIGHTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$287,300.00) TO IMPLEMENT ALL THE BID ALTERNATES AS ADDITIONAL FUNDS BECOME AVAILABLE, WITHOUT RETURN TO COUNCIL

WHEREAS, four bids were received by the Office of the City Clerk on December 17, 2009, for the Josie De La Cruz Park Phase 2 Improvement Project; and

WHEREAS, two bids were deemed non-responsive for failing to meet the bid submittal requirements; and

WHEREAS, Ray's Electric, Inc., a certified small local business, is the lowest responsible, responsive bidder; and

WHEREAS, funds of \$171,800.00 for the Josie De La Cruz Park Phase 2 Improvement construction contract are available in Redevelopment Agency Fund 7780, Project No. C329540, Capital Project Management 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 temporary in nature; and

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

WHEREAS, the Unity Council wishes to provide \$32,000.00 in grant funding toward the construction of the project; 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 service; now, therefore, be it

RESOLVED: That the Council: 1) Awards a contract to the lowest, responsible, responsive bidder, Ray's Electric, Inc., for the base bid amount of One Hundred Seventy-One Thousand Eight Hundred Dollars (\$171,800.00) for the construction of the Josie De La Cruz Park Phase 2 Improvement Project (No. C329540) in accord with plans and specifications for the Project and contractor's bid dated December 17, 2009; 2) accepts and appropriates a grant from the Unity Council in the amount of thirty-two thousand dollars (\$32,000.00) for the Project; and 3) Authorizes an increase in the construction contract up to a maximum of two hundred eighty-seven thousand three hundred dollars (\$287,300.00) to implement all the bid alternates as additional funds become available, without return to Council; 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 amount of the bond for faithful performance, \$171,800.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$171,800.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Josie De La Cruz Park Phase 2 Improvement project; 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, MAR 16 2010

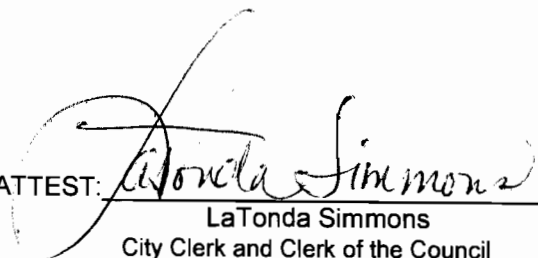
PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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