


City Attorney

OFFICE OF THE CITY CLERK

2007 OCT 11 PM 2:13

OAKLAND CITY COUNCIL

RESOLUTION NO. 80925 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT FOR THE OAKLAND BAY TRAIL: MANDELA PARKWAY PROJECT IN ACCORD WITH SPECIFICATION NO. G199010 TO MCGUIRE AND HESTER IN THE AMOUNT OF ONE MILLION SEVENTY-FOUR THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS (\$1,074,422.00)

WHEREAS, four bids were received by the Office of the City Clerk on September 17, 2007 for the Oakland Bay Trail: Mandela Parkway Project; and

WHEREAS, McGuire and Hester is the lowest responsible, responsive bidder and funds are available for the construction contract; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; 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 technical and temporary in nature; 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 City Administrator, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland to McGuire and Hester in the amount of One Million Seventy-Four Thousand Four Hundred Twenty-Two Dollars (\$1,074,422.00) for the Oakland Bay Trail: Mandela Parkway Project in accord with Specification No. G199010 and contractor's bid dated September 17, 2007, and to execute any amendments or modifications of said contract within the limitations of the project specifications; and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and, be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$1,074,422.00, 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, \$1,074,422.00, with respect to

such work are hereby approved; 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, NOV 6 2007, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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