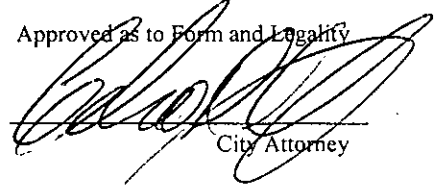


2009 DEC 21 PM 1:36


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 82494 C.M.S.

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION FOR THE REHABILITATION OF MARGARIDO PATHS AND STAIRS (PROJECT NO. C214850) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED SEVENTY-FOUR DOLLARS (\$129,674.00)

WHEREAS, on July 16, 2009, eight bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Margarido Paths and Stairs (Project No. C214850); and

WHEREAS, the first and eighth lowest bidders were deemed non-responsive for not meeting the City's 20% Local and Small Local Business Enterprises (LBE/SLBE) requirement; and

WHEREAS, Mosto Construction is the lowest responsible and responsive bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project account:

- Measure B - ACTIA Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Margarido Path Project (C214850)

WHEREAS, the engineer's estimate for the work is \$168,527.84; and

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

WHEREAS, the City Council finds and determines that the performance of this contractor is in the public interest because of economy; 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 contract for the Rehabilitation of Margarido Paths and Stairs (Project No. C214850) is hereby awarded to Mosto Construction, in accordance with the terms of its bid therefore, dated July 16, 2009, in the amount of one hundred twenty-nine thousand six hundred seventy-four dollars (\$129,674.00); and be it

FURTHER RESOLVED: That the amount for the bond for faithful performance, \$129,674.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for amount due under the Unemployment Insurance Act, \$129,674.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Mosto Construction on behalf of the City of Oakland and to execute any amendments 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 prior to execution and placed on the file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 19 2010, 20

PASSED BY THE FOLLOWING VOTE:

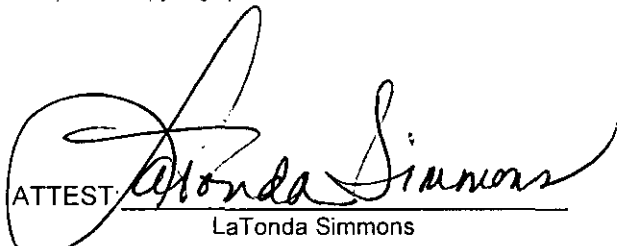
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER ~7

NOES - ϕ

ABSENT - ϕ

ABSTENTION - ϕ

Excused - Reid - 1

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