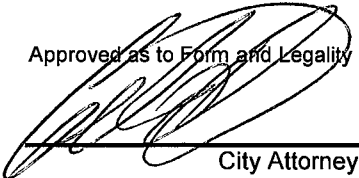


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 SEP 29 PM 3:10

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 86441 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER INC. THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF PERALTA STREET STREETScape PROJECT (PROJECT NO. P414250) IN THE AMOUNT OF THREE MILLION SEVEN TWENTY THREE THOUSAND DOLLARS (\$3,723,000.00).

WHEREAS, on May 21, 2013, the City Council authorized the City Administrator to apply for \$3,098,415.00 Metropolitan Transportation Commission (MTC), Congestion Mitigation and Air Quality Improvement (CMAQ) fund for Peralta Streetscape project; and

WHEREAS, Peralta Streetscape project includes the construction of improvements on Peralta Street between 7th Street and 36th Street; and

WHEREAS, The City advertised the project in July 2016 and received four bids with McGuire and Hester meeting the DBE goal and their bid in the amount of \$3,723,000.00 , which includes base bid and the City required insurance being the lowest bid; and

WHEREAS, funding for the project in the amount of \$3,723,000.00 will be available in the following project accounts:

- Federal Highway Administration (FHWA) - Congestion Mitigation and Air Quality Improvement (CMAQ) Fund; Department of Transportation Fund (2116); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414250; Program IN05, in the amount of \$2,694,274.00
- Measure B Local Match for Federal Fund Project Fund (2211); Engineering Design; Street & Structures Organization (92242); Construction Account (57411); Project P414260; Program IN05, in the amount of \$381,097.00
- Measure BB the City Bike Program Fund (2216); Organization (92260); Construction Account (57411); Project C491220; Program IN17 in the amount of \$67,644.00
- Measure BB the City Resurfacing Program Fund (2216); Organization (92242); Construction Account (57411); Project C491141; Program IN05 in the amount of \$579,985.00

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, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical 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 is authorized to award a Construction Contract To McGuire & Hester Inc. the lowest responsive, responsible bidder, in accordance with plans and specifications and contractor's bid dated August 4, 2016 for the Construction of Peralta Street Streetscape Project (Project No. 414250) from 7th Street to 36th Street in the amount of Three Million Seven Hundred Twenty Three Thousand Dollars (\$3,723,000.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$3,671,700.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$3,671,700.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with McGuire and Hester, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if McGuire and Hester, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the City Engineer, or designee, are hereby approved; 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 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.

OCT 18 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

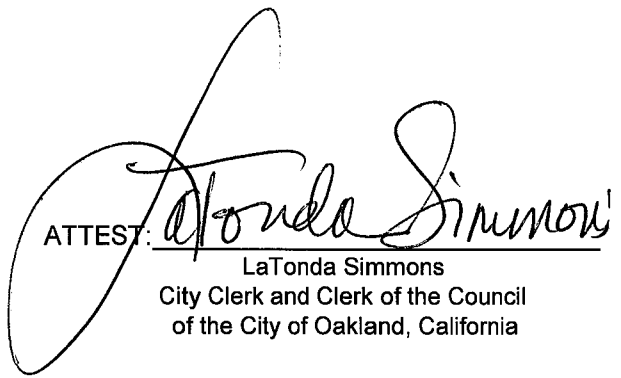
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, ~~and PRESIDENT~~
~~GIBSON~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - GIBSON
MCELHANEY - 1

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