

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2009 JUL -2 AM 10: 04

Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION No. 82195 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN JEAN STREET AND SANTA CLARA AVENUE AND IN THE EASEMENT BETWEEN HOOD STREET AND MALCOLM AVENUE (PROJECT NO. C282892) IN ACCORD WITH PLANS SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED THIRTY-FOUR DOLLARS (\$261,434.00)**

**WHEREAS**, on April 30, 2009, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in Jean Street and Santa Clara Avenue and in the Easement Between Hood Street and Malcolm Avenue (Project No. C282892); and

**WHEREAS**, Mosto Construction, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C282892; \$261,434.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; 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 contract is in the public interest because of economy or better performance; and

**WHEREAS**, Mosto Construction, Inc. complies with all LBE/SLBE and trucking requirements; 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 services; now, therefore, be it

**RESOLVED:** That the construction contract for the Rehabilitation of Sanitary Sewers in Jean Street and Santa Clara Avenue and in the Easement Between Hood Street and Malcolm Avenue (Project No. C282892) is hereby awarded to Mosto Construction, Inc. in accordance with plans and specifications for the project and the terms of its bid therefore, dated April 30, 2009, in the amount of Two Hundred Sixty-One Thousand Four Hundred Thirty-Four Dollars (\$261,434.00); 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 amount of the bond for faithful performance, \$261,434.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$261,434.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to enter into a contract with Mosto Construction, Inc. 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 and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009, 20    

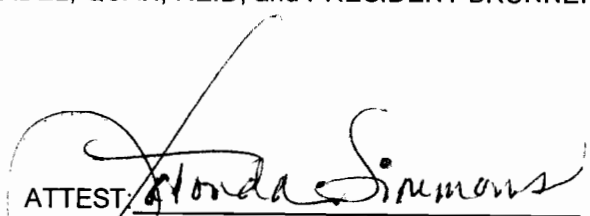
**PASSED BY THE FOLLOWING VOTE:**

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