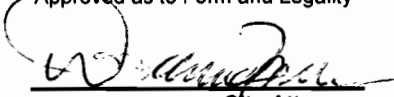


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

City Attorney

2010 MAR 11 PM 4:00 **OAKLAND CITY COUNCIL**

RESOLUTION No. 82668 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE ELMHURST LIBRARY RENOVATION PROJECT, IN ACCORD WITH SPECIFICATION NO. B273610 AND WITH CONTRACTOR'S BID, TO B-SIDE CONSTRUCTION, INC. IN THE AMOUNT OF ONE HUNDRED SIXTY-THREE THOUSAND TWENTY-FOUR DOLLARS (\$163,024.00)

WHEREAS, ten bids were received by the Office of the City Clerk on December 17, 2009, for the Elmhurst Library Renovation Project; and

WHEREAS, B-Side Construction, Inc., a certified small local business, is the lowest responsible, responsive bidder, and has met the City's Local Business Program requirements and Equal Benefits Ordinance; and

WHEREAS, there are sufficient funds of \$199,864.00 available for the construction contract and contingency for the Elmhurst Library Renovation Project in the following project accounts:

- District 7 Council Pay-Go (Fund 5510); Project No. B273610; Capital Project Management Organization (92270) - \$100,000.00
- District 7 Council Pay-Go (Fund 1010); Project No. B01140; Capital Project Management Organization (92270) - \$10,218.00
- Coliseum Redevelopment Agency (Fund 7780); Project No. C351010; Capital Project Management Organization (92270) - \$24,396.00
- At-Large Council Pay-Go (Fund 1010); Project No. B01240; Capital Project Management Organization (92270) - \$10,000.00
- ADA Transition Plan (Fund 5200); Project No. C274231; Capital Project Management Organization (92270) - \$55,250.00; 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 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 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 construction contract for the Elmhurst Library Renovation Project is awarded to B-Side Construction, Inc. in accord with Specification No. B273610, which includes change order authorization of 25% to decrease or increase the contract price to account for changes in estimated materials and labor, and contractor's bid dated December 17, 2009, in the amount of one hundred sixty-three thousand twenty-four dollars (\$163,024.00); and be it

FURTHER RESOLVED: That all other bids for said project are hereby rejected; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$163,024.00, 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, \$163,024.00, 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 Elmhurst Library Renovation Project (No. B273610), and authorizes the City Administrator to execute any amendments or modifications of said contract within the limitations of the project specifications; 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, APR 20 2010

PASSED BY THE FOLLOWING VOTE:

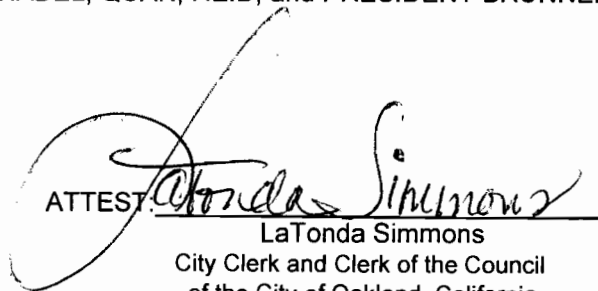
AYES - ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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