

**REVISED**

**OAKLAND CITY COUNCIL**  
RESOLUTION No. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council



**RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MOSTO CONSTRUCTION FOR THE IMPROVEMENT OF EDES AVENUE (PROJECT NUMBER C166310) IN THE AMOUNT OF TWO HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED SIXTY-EIGHT DOLLARS AND FIFTY CENTS (\$231,168.50)**

**WHEREAS**, on September 15, 2003, bids were received by the Office of the City Clerk of the City of Oakland for the Improvement of Edes Avenue (Project Number C166310); and

**WHEREAS**, Mosto Construction is the lowest responsible bidder for the project and has met the LBE/SLBE requirements; and

**WHEREAS**, there are sufficient funds in the project budget for work, and the project budget includes \$231,168.50 for the construction work, and the engineer's estimate for the work is \$203,630; 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; 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 contract for the Improvement of Edes Avenue is hereby awarded to Mosto Construction, in accordance with the terms of its bid therefore, dated September 15, 2003, for the amount of Two Hundred Thirty-One Thousand One Hundred Sixty-Eight Dollars and Fifty Cents (\$231,168.50); and be it

**FURTHER RESOLVED**: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED**: That the amount of the bond for faithful performance, \$231,168.50, 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, \$231,168.50, with respect to such work are hereby approved; and be it

10.32CC  
ORA/COUNCIL  
NOV 04 2003

**FURTHER RESOLVED:** That the City Manager 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 of said contract 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 and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

10.32CC  
ORA/COUNCIL  
NOV 04 2003