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OAKLAND

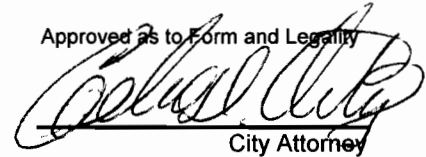
2013 MAR 27 PM 4:10

OAKLAND CITY COUNCIL

RESOLUTION No. 84305 C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality



City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BY AND BETWEEN THE CITY OF OAKLAND AND THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR CONSTRUCTION OF A 30-INCH WATER AND AN 8-INCH RECYCLED WATER MAIN RELOCATION AS PART OF THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10TH STREET (PROJECT NO. C277110), IN THE AMOUNT OF ONE MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,170,000.00)

WHEREAS, on January 31, 2013, four bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, the contract includes two bid items for water main relocation; and

WHEREAS, the East Bay Municipal Utility District requested to enter into an agreement to reimburse the City of Oakland for implementing this work as part of the Lake Merritt Improvement at 10th Street project; and

WHEREAS, sufficient funds in the project budget for this work will be available in the following project account:

- EBMUD Water Main Relocation Agreement-Miscellaneous Grant Fund (2999); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project (TBD); \$900,000.00

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 and agreement approved hereunder are 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 enter into an agreement with the East Bay Municipal Utility District to implement this work as part of the Lake Merritt Channel

Improvement at 10th Street (Project No. C277110), in the amount of One Million One Hundred Thousand Seventy Dollars (\$1,170,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the agreement with the East Bay Municipal Utility District within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the agreement 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 16 2013.

PASSED BY THE FOLLOWING VOTE:

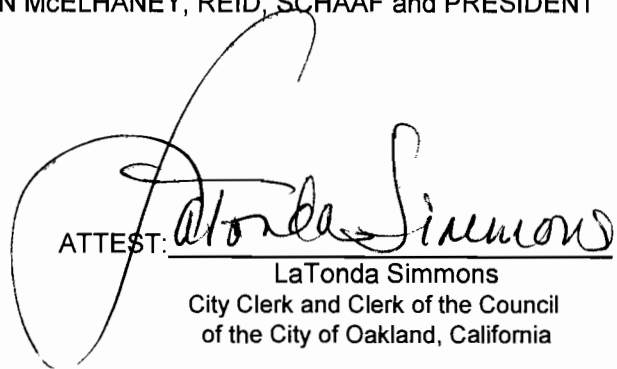
AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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