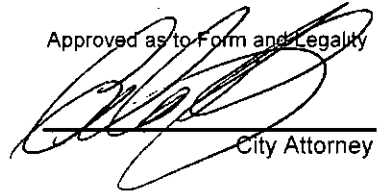


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2015 FEB 25 PM 12:08

RESOLUTION No. 85 455 - 3 C.M.S.

Introduced by Councilmember _____

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LATHAM SQUARE STREETSCAPE IMPROVEMENTS (PROJECT NO. C464560) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FOUR MILLION ONE HUNDRED NINETY THOUSAND ONE HUNDRED FIFTY-SIX DOLLARS (\$4,190,156.00)

WHEREAS, on January 26, 2015, two bids were received by the Office of the City Clerk of the City of Oakland for the Latham Square Streetscape Improvements Project (Project No. C464560); and

WHEREAS, McGuire and Hester meets the Alameda County Transportation Commission's Local Business Contract Equity Program requirements; and

WHEREAS, McGuire and Hester, 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; 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 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, McGuire and Hester complies with all LBE/SLBE and trucking requirements; and

WHEREAS, the permanently expanded and redesigned Latham Square Plaza has been determined to be categorically exempt pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15332 (infill), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance; 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 or designee is authorized to execute a construction contract for the Latham Square Streetscape Improvements Project (Project No. C464560) to McGuire and Hester, the lowest responsive and responsible bidder, in an amount of Four Million One Hundred Ninety Thousand One Hundred Fifty-Six Dollars (\$4,190,156.00) in accord with plans and specifications for the project and contractor's bid dated January 26, 2015; and be it

FURTHER RESOLVED: That there are sufficient funds in the project budget for the work under the following fund sources:

- ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194921;
- ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194922;
- Miscellaneous Grants (2999); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project No. TBD

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; 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 fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 17 2015, 20

PASSED BY THE FOLLOWING VOTE:

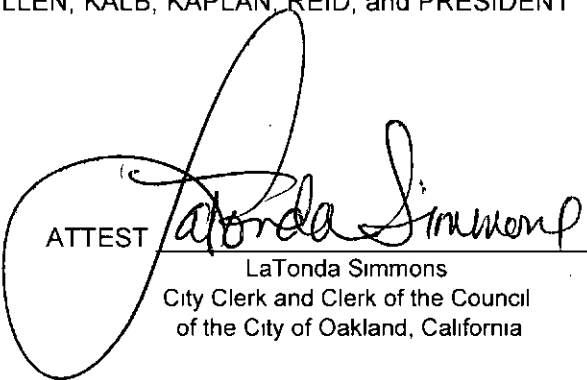
AYES - BROOKS, CAMPBELL WASHINGTON, ~~WATSON~~, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - Gallo - 1

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

85455 CMS