

City Attorney

2019 FEB -7 PM 4: 38

OAKLAND CITY COUNCIL

RESOLUTION No. 87555 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR AS-NEEDED PAVEMENT REHABILITATION SERVICES TO MCGUIRE & HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH CONTRACTOR'S BID IN AN AMOUNT NOT TO EXCEED TEN MILLION, NINE HUNDRED AND EIGHTY-TWO THOUSAND, TWO HUNDRED DOLLARS (\$10,982,200.00).

WHEREAS, on January 24, 2019, two bids were received by the Office of the City Clerk of the City of Oakland for the On-Call Citywide Pavement Rehabilitation Project; and

WHEREAS, McGuire & Hester, a certified LBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

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

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account as part of FY 2017-18 budget in Measure KK Fund (5330) and Measure BB Fund (2216), Engineer Design Streets and Structures Organization (92242), Street Construction Account (57411), and Project No. 1001293; and

WHEREAS, the street rehabilitation program works to preserve the City's infrastructure; and

WHEREAS, with the passage of Measure BB and Measure KK, the City has grown in-house capacity to pave Oakland streets by budgeting for new equipment and two new street repair crews; however, this "ramp-up" has taken time to realize; and

WHEREAS, significant efforts are underway to ensure street repair crew positions are filled to support the 2019 high season for repaving; and

WHEREAS, such on-call paving contract provides a safeguard to ensure an increased number of paved miles in 2019, while the priority remains on growing the City's capacity to deliver this work in-house; and

WHEREAS, the City Council finds and determines based on the representation 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 would benefit from maintaining a list of pre-qualified contractors to perform paving work on an on-call basis so it can promptly respond to and provide construction services in an efficient and timely manner; 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 City Administrator is authorized to award a construction contract to McGuire & Hester the lowest responsive and responsible bidder and with contractor's bid in the amount of ten million, nine hundred and eighty-two thousand, two hundred dollars (\$10,982,200.00) and in accordance with the contractor's bid dated January 24, 2019; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$10,982,200.00; and the bond to guarantee payment of all claims for labor and material furnished and for the amount under the Unemployment Insurance Act, \$10,982,200.00 with respect to such work are hereby approved; and be it

FURTHER RESOLVED: The City Administrator, or designee, is hereby authorized to enter into a contract with McGuire & Hester on behalf of the City of Oakland and to execute any amendments or modification of the contract within the limitation of the project specification; 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 & Hester fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

FURTHER RESOLVED: That the Plans and Specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or 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, FEB 26 2019

PASSED BY THE FOLLOWING VOTE:

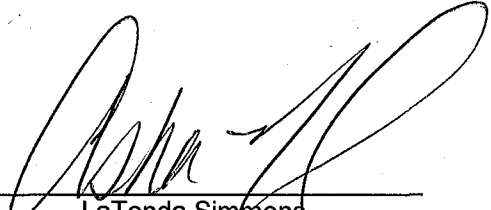
AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~WILLIAMS~~, TAYLOR, THAO and PRESIDENT KAPLAN

NOES - 7

ABSENT - 0

ABSTENTION 0

Excused - Reid - 1

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