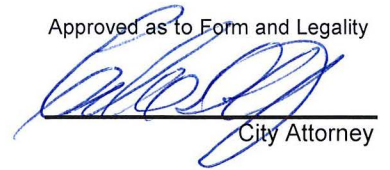


2016 FEB 25 AM 10:11



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86051 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO THE AMOUNT OF TWO HUNDRED FORTY NINE THOUSAND DOLLARS (\$249,000.00) IN THE OPEN MARKET FOR THE ROCKRIDGE LIBRARY RENOVATION (PROJECT NO. C465710) IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS

WHEREAS, The Rockridge Library is located at 5366 College Ave, was constructed in 1994; and

WHEREAS, Oakland Public Library has sufficient funds from the Rockridge Library Assessment District fund for the work; and

WHEREAS, on January 7, 2016, the Office of the City Clerk of the City of Oakland received four bids for the Rockridge Library Renovation (Project No. C465710); and

WHEREAS, all four bids are determined to be non-responsive; and

WHEREAS, to better serve the public, the Rockridge Library Renovation Project construction needs to be completed as soon as possible before the summer high peak usage; and

WHEREAS, the Rockridge library will be closed during the construction (approximately three months); and

WHEREAS, Oakland Municipal Code (“OMC”) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I 5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, it is in the best interest for the City to waive further advertising and competitive bidding for the project as prescribed in OMC section 2.04.050.I.5, and for the City Administrator, or designee, to negotiate and execute a construction contract in order to complete the construction to minimize library service impact on the public. If construction is not completed by the summer break, the library is forced to be close during its two busiest times of year, summer when school is out and youth most heavily use the library both for the summer reading program and summer lunch program or fall which is the beginning of the school year when students need the educational support, resources and after school programs that the library provides; and

WHEREAS, OMC section 2.04.050 J allows the City Administrator to hire or have the services performed or to purchase the supplies in the open market when no valid bids are received after advertising as required; and

WHEREAS, the City Council finds and determines 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

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 all bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding as prescribed in OMC section 2.04.050.I 5 in order to complete the construction before the summer start to minimize library service impact to the public. If construction is not completed by the summer break, the library is forced to be close during its two busiest times of year, summer when school is out and youth most heavily use the library both for the summer reading program and summer lunch program or fall which is the beginning of the school year when students need the educational support, resources and after school programs that the library provides; and be it

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

- Rockridge Library Assessment District Fund (5130); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); Facilities Minor CIP - Rockridge Library Light Renovation Project (C465710);
- Rockridge Library Assessment District Fund(5130); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); Facilities Minor CIP - Rockridge Library Carpet

- Renovation Project (C465720);
- Rockridge Library Assessment District Fund(5130); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); Facilities Minor CIP - Rockridge Library Interior Renovation Project (C465730); and be it

FURTHER RESOLVED: That the City Administrator, or designee, per OMC Section 2.04.050.J is hereby authorized to negotiate, award and execute a construction contract up to the amount of Two Hundred Forty Nine Thousand Dollars (\$249,000.00) in the open market for the Rockridge Library Renovation Project (No. C465710) in accordance with the project plans and specifications; and be it

FURTHER RESOLVED: That the City Council hereby approves the project plans and specifications prepared under the direction of the Assistant Director of the Oakland Public Works Department, including any subsequent changes during negotiations and construction; 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 without return to Council; and be it

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 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

MAR 15 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

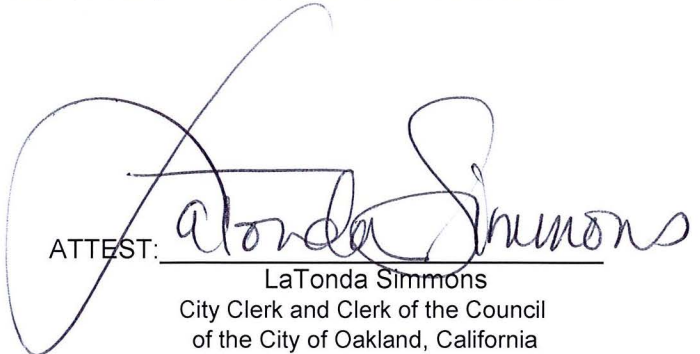
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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