

OAKLAND CITY COUNCIL

RESOLUTION No: 83370 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2011 MAY 27 AM 11:26

RESOLUTION: 1) WAIVING ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS; AND, 2) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD CONSTRUCTION, DESIGN-BUILD AND CONSTRUCTION MANAGER AT-RISK CONTRACTS FOLLOWING THE SOLICITATION OF QUALIFICATIONS FROM BUSINESSES BY MAIL OR ELECTRONIC MEDIA AND NEGOTIATION WITH THE BUSINESSES DEEMED MOST SUITABLE FOR EACH PROJECT FOR THE DESIGN AND CONSTRUCTION OF THE REDEVELOPMENT AGENCY FUNDED PROJECTS LISTED IN EXHIBIT "A" WITHIN THE PROJECT BUDGETS INDICATED THEREIN, WITHOUT RETURN TO THE CITY COUNCIL

WHEREAS, the Governor's proposed state budget for 2011-12 proposes to eliminate redevelopment agencies; and

WHEREAS, according to the draft legislation, the successor agencies to redevelopment agencies, i.e., the city that created the agency, would use these funds to retire redevelopment debts and preexisting contractual obligations and make other payments under the direction of an appointed oversight board; and

WHEREAS, on March 3, 2011, Council approved Resolution No. 83256 C.M.S. authorizing a funding agreement with the Redevelopment Agency of the City of Oakland to provide for Agency funding of City public improvements and other redevelopment projects and programs; and

WHEREAS, the latest proposed legislation eliminating redevelopment has been revised to add a clawback provision that would allow the state controller to order that any funds or other assets transferred from the redevelopment agency to the city after January 1, 2011 be returned to the agency; and

WHEREAS, an exception to the clawback provision would be if the city is "contractually committed to a third party for the expenditure or encumbrance of those assets"; and

WHEREAS, the existence of the funding agreement approved by the City Council on March 3, 2011 would not be considered a contract committed to a third party unless these redevelopment funds are obligated by the City under a design or construction contract; and

WHEREAS, the proposed legislation requires the Agency to submit a report on the City's existing enforceable obligations to the state controller within 60 days after the legislation passes; and

WHEREAS, it would be necessary to have design and construction contracts needed to complete the Redevelopment Agency funded projects listed in Exhibit A executed to include them in the report and protect funding by establishing that there are existing third-party contracts for the listed projects; and

WHEREAS, many of these redevelopment funded public improvements are still in planning and design phases and the time to complete the advertised request for proposal/qualifications and bid processes and award and execute contracts will well exceed the allowed 60 days; and

WHEREAS, Oakland Municipal Codes sections 2.04.050.I.5 and 2.04.051.B permit the City Council to waive advertising and bidding with award to the lowest, responsible, responsive bidder, and to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements for professional services, design-build and construction manager at-risk contracts, respectively, upon findings that it is in the City's best interests to do so; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary construction work and the City Council finds and determines that the performance of the construction contracts authorized hereunder are in the public interest because of better economy in light of the state redevelopment agency legislation; and

WHEREAS, the City Council finds and determines that the services contracts authorized hereunder are of a professional, scientific or technical and temporary nature and 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 Council finds and determines, for the reasons stated above and in the City Administrator's report accompanying this Resolution and pursuant to Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B, that it is in the best interests of the City to waive advertising and other competitive purchasing processes, such as bidding with award to the lowest responsible, responsive bidder, and request for proposals/qualifications requirements for the purchase of design and other licensed professional services, construction labor and materials, design-build services and construction-manager at risk services needed for the design and construction of the Redevelopment Agency funded projects listed in Exhibit A, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to award construction, design-build and construction manager at-risk, licensed professional and other construction- and development-related professional, scientific and technical services contracts following the solicitation of qualifications from at least three businesses by mail or electronic media and negotiation with the businesses deemed most suitable for each project; and be it

FURTHER RESOLVED: Businesses awarded these contracts will be required to meet all of the City's local business and employment program requirements; and be it

FURTHER RESOLVED: That construction contractors shall be required to provide performance and payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all contracts authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

812320

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17 2011, 2011

PASSED BY THE FOLLOWING VOTE:

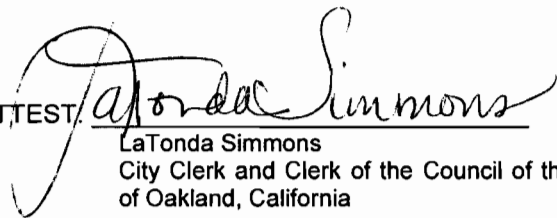
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF,
AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST.


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

**EXHIBIT A
Project List**

No.	Project	Budget	Description
1	E. 18th St. Streetscape	2,800,000	Streetscape improvement project along E. 18th Street between Lakeshore Ave and Park Blvd with new pedestrian amenities.
2	Foothill / Fruitvale Streetscape Phase I	5,000,000	Streetscape improvement project along Foothill between 35th and High Street.
3	Foothill / Fruitvale Streetscape Phase II	3,600,000	Streetscape improvement project along Foothill between Rutherford and 35th Avenue. (Budget includes \$2.2M MTC Grant)
4	MacArthur Blvd Streetscape	8,000,000	Streetscape improvement project along MacArthur Blvd at three major nodes: 73rd Ave; 90th Ave; and 106th Ave. (Budget include \$1.7M MTC Grant)
5	14th Avenue Streetscape	6,000,000	Streetscape improvement project along 14th Avenue, from E. 8th to E. 19th, with new pedestrian amenities.
6	(Melrose/Bancroft) Foothill/Melrose/High Street Streetscape	4,000,000	Streetscape improvement project at three major nodes: High St. and Foothill; Foothill and Congress; Bancroft and Fairfax.
7	Foothill/Seminary Streetscape	4,100,000	Streetscape improvement project along Foothill between 60th and Mason and Seminary between Bancroft and Kingsley.
8	Clinton Park Building	150,000	ADA restroom upgrades to public facility. Includes \$100k in ORA funds and \$50k in City ADA funds.
9	S. Coliseum / Edes Ave Streetscape Phase I	2,600,000	Streetscape improvement project along S. Coliseum Way between Coliseum south parking lot entrance and Hegenberger.
10	S. Coliseum / Edes Ave Streetscape Phase II	3,000,000	Streetscape improvement project along Edes Avenue between Hegenberger and 85th Ave.
11	International Blvd Streetscape	4,000,000	Streetscape improvement project at three major nodes along International Blvd: High St; 73rd Ave; and 90th Ave.
12	Coliseum BART Station Transit Village Infrastructure -BART Plaza and Pedestrian Improvements	2,200,000	Coliseum BART plaza refurbishment including new pedestrian amenities. (Budget include \$0.9M STIP/TE Grant)
13	Coliseum BART Station Transit Village Infrastructure - CTV & Snell St. Links (TOD)	15,500,000	Streetscape improvement surrounding the future Lion Creek Crossings IV and Coliseum Transit Village bounded by 69th to 72nd Avenues and Hawley and Snell Streets. (Budget includes \$8.5M Prop 1C Transit Oriented Development Grant)
14	Tyrone Carney Park	2,000,000	Park improvement project at 105th Avenue and Edes.
15	Martin Luther King Jr. Library	910,000	Renovation & ADA improvements to existing library.
16	Coliseum Specific Plan	4,000,000	Major specific plan analysis and study for area surrounding the immediate Coliseum stadium area and the airport business park
17	Coliseum Industrial Infrastructure	2,000,000	Coliseum Way drainage improvements between 66th and 50th Ave; 81st Ave improvements between Rudsdale and S.L. Street.
18	Coliseum Remediation and Demolition: (Various Agency Owned Properties)	2,500,000	Various properties owned by the Agency require remediation and abatement work in order to prepare site for development.
19	Golden Gate Recreation Center.	1,000,000	Building renovation/expansion
20	Mosswood Teen/Rec Center/Park Improvements	500,000	Building and park renovation

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No.	Project	Budget	Description
21	Telegraph Avenue Streetscape	3,795,000	Construction documents for streetscape improvements along the full length of the streets within the redevelopment area.
22	Malonga Casquelourd	920,000	Exterior weatherproofing & tenant improvements
23	1-1/2% Public Art Fund Public Art	900,000	Public Art Projects for: 17th Street BART entry; Uptown Parcel 4 temporary sculpture garden; Latham Square/Uptown/other sites RFQ for artists
24	Uptown Parcel 4 Temporary Art Park	400,000	Install temporary improvements - paving, fencing, lighting, art pads, etc. for changing art exhibits and to potentially purchase and/or fund the installation of changing exhibits. (Budget includes \$200K NEA Grant)
25	San Pablo Ave Streetscape Improvements	1,000,000	Streetscape improvements from 16th to 21st Streets in the Uptown Area. (Budget includes \$750K Prop 1C Infill Grant)
26	Lincoln Recreation Center ADA	200,000	ADA emergency shelter improvements, project includes \$100k from ADA program.
27	Lincoln Square Park	400,000	Construction documents for renovation and expansion of park facilities
28	Peralta/MLK Streetscape	600,000	Conceptual Plans and construction documents for the 1st Phase of streetscape improvements along the full length of the streets within the redevelopment area.
29	7TH Street Streetscape - Phase II	450,000	Construction documents for the 2nd phase of the project between Peralta and Wood Street.
30	West Oakland Teen Center	6,700,000	Building renovation for a new teen center. Funding includes \$SM Prop 84 Statewide Park Development and Community Revitalization Program of 2008
31	West Oakland Area Plan	1,095,000	Area Plan and Environmental Impact Report for targeting development along the 7th Street, Mandela Parkway and West Grand Avenue corridors and other major opportunity sites. Budget include HUD TIGER II Grant (\$400k) and ORA staff match.
32	Graffiti Abatement		Two year graffiti abatement as needed for blight abatement of private property in 5 redevelopment areas within Oakland.
	- Coliseum	90,000	
	- Central City East	90,000	
	- West Oakland	45,000	
	- Central District	40,000	
	- Broadway/ MacArthur/San Pablo	20,000	
33	Design Services for Façade & Tenant Improvement Programs		Professional service contracts to provide architectural services - upto \$5,000 per façade or tenant improvement project for planning, design, construction documents, permitting, etc. - in 5 redevelopment areas within Oakland.
	- Coliseum	185,000	
	- Central City East	121,000	
	- West Oakland	125,000	
	- Central District	280,000	
	- Broadway/ MacArthur/San Pablo	80,000	
TOTAL		91,396,000	