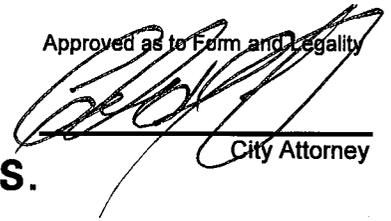


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

2018 APR 26 **RESOLUTION No. 87186** C.M.S.


City Attorney

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED TWO MILLION SEVEN HUNDRED AND EIGHTY THOUSAND DOLLARS (\$2,780,000.00) IN THE OPEN MARKET FOR THE CONSTRUCTION OF SANITARY SEWER CAPACITY UPGRADES IN PARK BOULEVARD & IN TRESTLE GLEN ROAD (PROJECT NO. 1001173 TASK 2) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS.

WHEREAS, on February 08, 2018, two bids were received by the Office of the City Clerk of the City of Oakland for Sanitary Sewer Capacity Upgrades In Park Boulevard & In Trestle Glen Road (Project No. 1001173 Task 2); and

WHEREAS, one bid was deemed non-responsive because the bidder's Traffic Control bid item exceeded the 5% maximum limit of the total bid, and the second bidder submitted a bid that is significantly over the engineer's estimate (36%); and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and OMC section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, advertising and competitive re-bidding will delay the construction project which is required under the 2014 Sewer Consent Decree; 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 CIP budget: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Project No. 1001173 Task 2; \$2,780,000.00; and these funds were specifically allocated for this project; and

WHEREAS, this project will help reduce the amount of sanitary sewer maintenance and wet weather peak flows; 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

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 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 per OMC Section 2.04.050.I.5 and per OMC section 2.04.050.J the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market since no valid bids were received after advertising as required; and be it

FURTHER RESOLVED: That the City Administrator, or Designee, is authorized to negotiate, award and execute a construction contract without return to Council for the construction of Sanitary Sewer Capacity Upgrades In Park Boulevard & In Trestle Glen Road (Project No. 1001173 Task 2) for an amount not to exceed of Two Million Seven Hundred Eighty Thousand Dollars (\$2,780,000) in accordance with the project plans and specifications; 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 authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; 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.

MAY 15 2018

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,

~~AND PRESIDENT REID~~ -7

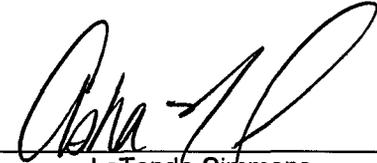
NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Reid

ATTEST: _____



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