  
City Attorney

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OAKLAND  
2008 JUN 12 PM 5:38

# OAKLAND CITY COUNCIL

RESOLUTION No. 81417 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION REJECTING ALL BIDS FOR THE COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT NO. 235 PROJECT PANEL CONVERSION, PROJECT NO. C332110 ("PROJECT") AND AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED EIGHTY TWO THOUSAND THREE HUNDRED SIX DOLLARS (\$82,306.00) WITH SUMMERHILL ELECTRIC FOR THE PROJECT**

**WHEREAS**, improvements are ordered by Council Resolution 81002 dated December 18, 2007, to implement the Coliseum BART Station Area Underground Utility District No. 235; and

**WHEREAS**, on May 5, 2008, two bids were received by the Office of the City Clerk for the Coliseum BART Station Area Underground Utility District No. 235 Project Panel Conversion (Project No. C332110) and neither bid was valid; and

**WHEREAS**, one of two bidders was nonresponsive because he failed to attend the mandatory pre-bid office and field meetings, both of which were advertised in the media and bid documents as mandatory meetings; and

**WHEREAS**, the remaining bid was nonresponsive because the bidder failed to furnish all bid prices required in a Bid Addendum because he submitted the bid proposal on an outdated Bid Schedule; and

**WHEREAS**, the contract to be awarded hereunder is temporary in nature, in the public interest because of economy or better performance and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, sufficient funds totaling \$82,306.00 are available in the project budget for this work as follows: from the Fiscal Year 2007-08 ORA Fund (7780), Coliseum BART Station Area Underground Utility District No. 235 Project Panel Conversion Project (C332110), Electrical Services Division Organization (92228), Structures and Improvements (57311); and

**RESOLVED:** That the City Administrator, or her designee, is authorized to reject all bids for the Coliseum BART Station Area Underground Utility District No. 235 Project Panel Conversion, Project No. C332110; and be it

**FURTHER RESOLVED:** That, pursuant to Oakland Municipal Code Chapter 2.04, Section 2.04.050.J. *No Bids*, which authorizes the City Administrator to hire services and purchase supplies in the open market if “no valid bids” are received after advertising as required by the purchasing ordinance, the City Administrator, or her designee, is hereby authorized to negotiate with and award a construction contract to Summerhill Electric for the Coliseum BART Station Area Underground Utility District No. 235 Project Panel Conversion, Project No. C332110 in accord with Specifications for the Project as modified during the negotiations in an amount not to exceed eighty two thousand three hundred six dollars (\$82,306.00); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Coliseum BART Station Area Underground Utility District No. 235 Project Panel Conversion, Project No. C332110; and be it

**FURTHER RESOLVED:** That Summerhill Electric will be required to supply performance and payment bonds guaranteeing project completion and labor and materials in an amount that is 100% of the contract price, and to comply with all City of Oakland contracting programs and policies applicable to construction contracts including, but not limited to, Local and Small Local Business participation, Local Hire, prevailing wages and Equal Benefits; and be it

**FURTHER RESOLVED:** That the contract(s) 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 1 2008, 2008

**PASSED BY THE FOLLOWING VOTE:**

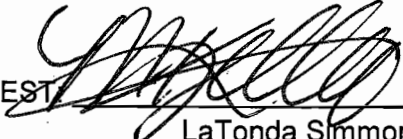
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST

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