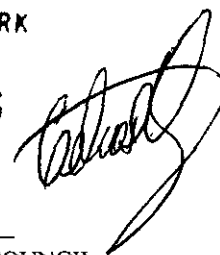


REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL
RESOLUTION No. 77715 - C.M.S.
2003 MAR 21 AM 12:15



INTRODUCED BY
COUNCILMEMBER _____

REQUIRES THE TWO-THIRDS VOTE OF THE COUNCIL

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO: (1) REJECT RAY'S ELECTRIC BID FOR THE YEARLY "ON CALL SERVICE CONTRACT" FOR SUBSTRUCTURE WORK, AND (2) RE-BID AND AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) PER YEAR, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS RECEIVED ARE NOT RESPONSIVE OR ARE EXCESSIVE, THE CITY MANAGER, OR HIS DESIGNEE, MAY (3) REJECT ALL BIDS AND INFORMALLY RE-BID OR NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$125,000 PER YEAR, WITHOUT RETURN TO COUNCIL, AND (4) EXTEND THE TERM OF THE CONTRACT FOR TWO ADDITIONAL ONE-YEAR TERMS FOR THE SAME CONTRACT AMOUNT, WITHOUT RETURN TO COUNCIL

WHEREAS, on December 16, 2002, the Office of the City Clerk received only one bid from Ray's Electric as a result of a publicized Notice Inviting Bids; and

WHEREAS, the engineer's budget estimate for the proposed contract is for an estimated amount of one hundred twenty-five thousand dollars (\$125,000) per year and Ray's Electric's bid amount is one hundred seventy-nine thousand four hundred eighty-four dollars (\$179,484); and

WHEREAS, Ray's Electric's bid amount exceeded the engineer's budget estimate by fifty- four thousand four hundred eighty-four dollars (\$54,484) or 44%; and

WHEREAS, staff considers Ray's Electric's bid excessive; and

WHEREAS, the City's Notice Inviting Bids period for this contract was during the holiday season and for a relatively short period which made it difficult for many contractors to bid at that time; and

WHEREAS, by re-bidding the City will receive competitive bids by providing an opportunity to bid to as many bidders as possible by giving them ample time to participate in the bidding process; and

WHEREAS, the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Manager, or his designee, to award a contract without return to Council; and

WHEREAS, funds are available for the project; 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 is in the public interest because of economy; and

WHEREAS, the City Council finds that services under this contract will be temporary; 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; and

WHEREAS, if the Contractor that is selected performs satisfactorily the City Manager, or his designee, may extend the term of the contract for two additional one-year terms for the same contract amount; now, therefore, be it

RESOLVED: That the City Manager, or his designee, is hereby authorized to reject Ray's Electric's bid for the Yearly "On Call Service Contract" (Project No. CC01324) for substructure work for the bid amount of one hundred seventy-nine thousand four hundred eighty-four dollars (\$179,484), to re-bid, and to award a contract to the lowest responsible bidder for an amount not to exceed one hundred twenty-five thousand dollars (\$125,000) per year without return to Council; and be it

FURTHER RESOLVED: That if the initial bids are non-responsive or excessive, the City Manager, or his designee, is further authorized to reject all bids, informally re-bid, and/or negotiate a contract, and award and enter into a contract not to exceed \$125,000 per year on behalf of the City of Oakland for this project, without return to Council; and be it

FURTHER RESOLVED: That if the Contractor that is selected, either by competitive or informal bidding or by negotiated contract, performs satisfactorily the City Manager, or his designee, is hereby authorized to extend the term of the contract for two additional one-year terms not to exceed \$125,000 per year, without return to Council; and be it

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FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 01 2003, 20


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN and
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California