

# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
Acting City Administrator

(510) 238-3301

July 15, 2008

Oakland City Council  
Oakland, California

President De La Fuente and Members of the City Council:

**Re: Supplemental Report On A Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2008 As Follows:**

- 1. Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With ~~Provider—To Be Determined In Amounts To Be Determined~~ Regina Benoit In An Amount Not To Exceed \$56,115, Mada Hudson And Frida Stowe In Amounts Not To Exceed \$48,375, Martha Rebollo In An Amount Not To Exceed \$69,660, And Valerie Hamilton In An Amount Not To Exceed \$74,820 For An Aggregate Amount Not To Exceed \$365,930, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount Not To Exceed \$365,930, And For A Two-Year Total To Be Determined Not To Exceed \$731,860; (Revised Titel)**
- 2. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2008-2009;**
- 3. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Amount ~~To Be Determined~~ Of \$1,138,896 For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount ~~To Be Determined~~**

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**\$119,884 To Fund Child Development And Family Literacy Services In Accord With Said Grants; (Revised Title)**

4. **Resolution Authorizing The City Administrator On Behalf Of The City Of Oakland To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2008-2009 From The State Of California Department Of Education In The Amount Of One Hundred Nine Thousand Six Hundred Twenty Three Dollars (\$109,623.00) For The City Of Oakland San Antonio Even Start Program;**
5. **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder/Contractor To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council;**
6. **Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00);**
7. **Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To MACTECH Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each;**
8. **Resolution Awarding A Contract To The Lowest Responsible, Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curran Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00);**
9. **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsive And Responsible Bidder To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00);**

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10. **Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept, And Appropriate Grant Funds From The Roberti-Z'berg-Harris Urban Open Space And Recreation Program Under The Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 In The Amount Of Two Hundred Fifty-Thousand Dollars (\$250,000.00) To The Montclair Park Pathway Improvement Project From The Laurel Park Acquisition/Development Project;**
11. **Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From The Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; And**
12. **Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00)**

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## SUMMARY

At its July 10, 2008 meeting, the Finance and Management Committee requested additional information on the grant awards, construction contracts and professional services agreement resolutions listed above, which are proposed for action by the City Administrator during Council's Annual Recess. These items exceed the City Administrator's Annual Recess authority, as provided for in Chapter 2, Section 2.04.0200I of the Oakland Municipal Code and need Council approval to proceed.

## FISCAL IMPACT

### *Grant acceptance/appropriations*

1) Family Child Care Grant Agreements	365,930
2) Child Care Food Program, CA Dept. of Ed.	375,000
3) Pre-Kindergarten Family Literacy Program, CA Dept. of Ed.	1,138,896
4) Even Start Family Literacy, CA Dept. of Ed.	109,623
10) to Montclair Park Pathway, Roberti-Z' Berg-Harris Open Space Program	250,000
11) from Montclair Park Pathway to Laurel Park Acquisition Project	<u>250,000</u>
<b>TOTAL +</b>	<b>\$2,489,449</b>

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**Construction Contract/Professional Services Agreements**

5) Contractor TBD, OPD Locker Room Improvements	1,297,000
6) Rajappan & Meyer Consulting – 12 <sup>th</sup> Street Reconstruction Project	300,000
7) MACTECH Engineering & Philip Williams–Hydrology/Engineering	1,000,000
8) Andes Construction, Inc., Sanitary Sewers (Project. No. C267210)	2,587,000
9) Contractor TBD, Derby Ave.-Lancaster St. Waterfront Trail	1,900,000
12) Bay Construction Co., Montclair Park Pathway	241,500
<b>TOTAL</b>	<b>\$6,425,500</b>

**KEY ISSUES AND IMPACTS**

- Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With ~~Provider~~ To Be Determined In Amounts To Be Determined Regina Benoit In An Amount Not To Exceed \$56,115, Mada Hudson And Frida Stowe In Amounts Not To Exceed \$48,375, Martha Rebollo In An Amount Not To Exceed \$69,660, And Valerie Hamilton In An Amount Not To Exceed \$74,820 For An Aggregate Amount Not To Exceed \$365,930, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount Not To Exceed \$365,930, And For A Two-Year Total To Be Determined Not To Exceed \$731,860;**

Funding for these grant agreements is available from the 2008-09 Head Start Grant, approved by City Council on May 20, 2008 (Resolution No. 81298 C.M.S.). The selection process for family child care providers is extensive. Bids were due on April 7, 2008 through a RFP process. Applicants were screened for qualifications; interviews were then conducted, followed by background checks through California Childcare Licensing, unannounced home visits, reference checks, and presentation to the Head Start parent Policy Council. The Policy Council is scheduled to review and approve the selected providers on August 12, 2008. These resolutions are needed during summer recess in order to develop contracts with providers for the 2008-09 Head Start Program year, which begins on September 2, 2008. Family child care providers will serve between 58 and 62 Head Start children and their families.

- Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2008-2009;**

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The appropriation of Child Care Food Program funding is required in order to receive reimbursement from the state for meals provided to Head Start children, beginning September 2, 2008.

3. **Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Amount ~~To Be Determined~~ Of \$1,138,896 For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount ~~“To Be Determined”~~ Of \$119,884 To Fund Child Development And Family Literacy Services In Accord With Said Grants;**

Last year, the Department of Human Services was awarded this contract from the California Department of Education for the first time. Funds must be applied for each year through a renewal process. DHS submitted the renewal application on December 4, 2007. Due to the state budget process, the City was not notified until early July that the contract was awarded for 2008-09, and of the amount, which is a 3% reduction from last year's award. Funds must be appropriated before September 2<sup>nd</sup>, which is the day preschool is scheduled to begin.

4. **Resolution Authorizing The City Administrator On Behalf Of The City Of Oakland To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2008-2009 From The State Of California Department Of Education In The Amount Of One Hundred Nine Thousand Six Hundred Twenty Three Dollars (\$109,623.00) For The City Of Oakland San Antonio Even Start Program;**

Due to the reduction of Even Start Program funding at the federal level, the California Department of Education, Even Start Office, notified DHS at the end of May 2008 that the City of Oakland's San Antonio Even Start Program for 2008-2009 would not be funded. DHS appealed this decision. Staff was notified on Tuesday, June 17<sup>th</sup> that \$109,623 would be offered to the program for 2008-2009. As the program year began on July 1, 2008, a resolution is needed during Council's Annual Recess.

5. **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder/Contractor To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council;**

Measure I funds were appropriated in carry forward from Fiscal Year 1992-93 to implement various improvement projects for the Police Administration Building. With the Oakland Police

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Department sworn officer workforce expansion as part of Measure Y, the Police Department Locker Room Improvements Project (No. C58695) needs to begin as soon as possible.

On June 23, 2008, the City Clerk received six bids for the Police Department Locker Room Improvement project. The bids ranged from \$100,220.00 to \$1,302,213.00. The engineer's estimate for the base bid is \$1,237,000.00. The lowest bidder, SEB Construction (Berkeley) withdrew its bid because of a clerical error. The lowest responsive and responsible bid of \$1,208,375.00 was submitted by Donny Chu Construction, Inc., (Oakland).

The City's L/SLBE requirements have been met by Donny Chu Construction, Inc. There will be L/SLBE participation of \$786,450.00 (65%), which exceeds the 20% L/SLBE requirements. The local trucking requirement is not applicable for this project because trucking is not a substantial component of the work. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents.

**6. Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00);**

This sewer rehabilitation project is part of the Fiscal Year 2005-07 adopted budget. It was bid on June 2, 2008 and three bids were received. Andes Construction is the lowest responsive, responsible bidder meeting the City's LBE/SLBE and Trucking requirements. The contractor is required to hold bid prices only for 60 days. Delaying the contract till after the Summer Recess could result in an increase in the contract amount or the need to re-bid the work.

**7. Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To MACTECH Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each;**

These "As Needed" contracts will be used by the CEDA Watershed and Stormwater Management Program (WSM) for projects authorized by Resolution No. 79649 C.M.S., adopted December 20, 2005, "Resolution Authorizing the Expenditure of Previously Appropriated and Allocated Funds in the Amount of \$1,000,000 for Phase II of the Implementation Plans for the Oakland Trust for Clean Water and Safe Parks, Measure DD, Creek Restoration, Watershed Preservation and Acquisition, and Lake Merritt Water Quality Programs."

The consultants will provide technical studies, design services, construction support services structural design, hydrology and geomorphology studies, drainage facilities, and other civil engineering related projects. The contracts are needed during summer recess because the current “as needed” consultant contracts may not have sufficient capacity to meet two immediate and unanticipated service needs: response to any unforeseen request for additional hydrology studies to meet flood mandates and prepare conceptual designs in response to a recently announced grant deadline.

MACTECH and Phillip Williams were ranked 9 and 10 out of 17 applicants during a full RFP process in 2007. The first 8 consultant teams were awarded contracts at the beginning of this year and are being used by Project Delivery (Resolution Nos. 80982 through 80989 C.M.S., adopted November 27, 2007). MACTECH and Phillip Williams will be used by the Watershed and Stormwater Management Program and were verified by the Department of Contracting and Purchasing to have met the City’s Local/Small Local Business Enterprise (L/SLBE) program requirements. The contractors will be working on design needs for the Lion Creek restoration project.

**8. Resolution Awarding A Contract To The Lowest Responsible, Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curran Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00);**

A portion of the requested increase (about 50%) was appropriated previously by the Council as part of the Measure DD appropriation. The remaining portion will be funded by a grant funding and will be appropriated by the Council as part of grant application and acceptance (scheduled for the Public Works Committee on July 22, 2008). Staff was successful in securing an additional \$15,000,000 in federal and complementary state grants for the subject project. Acceptance of this grant requires that the specifications and plans be modified to comply with the federal guidelines. Staff recommends that the existing consultant contract be extended to complete design work and meet funding and permitting deadlines.

**9. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsive And Responsible Bidder To Be Selected Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00);**

On June 9, 2008, the City Clerk received four bids for the Derby Avenue to Lancaster Street project. Star Construction, Inc. (San Bruno), Sposeto Engineers, Inc. (Union City), William P. Young Construction, Inc. (San Leandro) and Bay Construction Co. (Oakland), submitted bids of

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\$1,365,201.00, \$1,554,626.00, \$1,722,339.00, and \$1,798,112.00 respectively. There is no guarantee that the contractors will hold their bid prices for over 60 days

Star Construction's proposal of \$1,365,201.00 is the lowest responsive responsible bid. They meet Federal Disadvantaged Business Enterprise requirements, as verified by the Contract Compliance Division of the City Administrator's Office. Sufficient funding has been budgeted and is available to execute the construction contract.

- 10. Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept, And Appropriate Grant Funds From The Roberti-Z'berg-Harris Urban Open Space And Recreation Program Under The Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 In The Amount Of Two Hundred Fifty-Thousand Dollars (\$250,000.00) To The Montclair Park Pathway Improvement Project From The Laurel Park Acquisition/Development Project;**
- 11. Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From The Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; And**
- 12. Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. To Be Determined) To The Lowest, Responsible And Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00)**

In September 2001, Council approved Resolution No. 76721 C.M.S. to apply for, allocate and appropriate funds from the State Park Bond Act of 2000 under the Roberti-Z'berg-Harris (RZH) Urban Open Space and Recreation Program block grant to multiple park projects, including \$250,000 to the Laurel District Park Development project for acquisition and/or development of a park in the Laurel District. The City has searched and negotiated for potential park sites throughout the Laurel District in the past several years with no success in obtaining a suitable site. Unsuccessful attempts were also made to develop a park in collaboration with the Oakland Unified School District. The RZH grant is due to expire on June 30, 2009. In addition, the state granting agency mandates that all final grant reimbursements and project completion documents be submitted no later than March 31, 2009.

In order to meet the state grant reimbursement deadline, the land acquisition or the construction must be fully completed and the project usable by the public for its intended purposes. With only nine months remaining to the final grant reimbursement request deadline, it is unlikely that the Laurel District Park Development project will be completed within the required time frame. It is proposed to substitute the Laurel District Park Development project with a project that is ready to go to construction immediately and can be completed no later than January 2009.

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In the FY 2005-07 Adopted Budget, Resolution No. 79291 C.M.S., \$418,000 was appropriated for the Montclair Park Project. The funding for the project resides in the Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (5200), Montclair Park Project (C276610). This project has already been bid, is ready to start construction with expected construction duration of three and one-half months. It is thus recommended to swap \$250,000 of its funding source with the Laurel District Park Development project grant funding source.

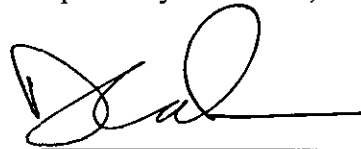
Since the Montclair Park Pathway improvements are entirely exterior site work, the ideal construction period is before inclement weather in the winter. Delays in project approval or starting the construction in the fall could affect the completion to beyond the grant deadline. The project construction cost is within the \$250,000 grant amount for Laurel Park. By switching the funds between Laurel Park and Montclair Park Improvement projects, Montclair Park project will utilize the State Park grant fund to meet the grant deadline while allowing additional time to pursue a site or the development of the Laurel Park project.

Staff reports and resolutions for the above projects will be prepared during the recess and appear on the Mayor's Summer Recess Agendas.

In accordance with the Council's Rules of Procedures, Rule 21, the City Administrator will make a full and complete report to the Agency / City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the Agency / City Council may make such findings and confirm the actions taken during the Annual 2008 Recess.

It is recommended that the City Council authorize the City Administrator to approve the items listed in this report which exceed the Administrator's Annual Recess authority and adopt the revised resolution.

Respectfully submitted,



Dan Lindheim  
Acting City Administrator

Prepared by: William Roy Uber  
Assistant to the City Administrator  
Office of the City Administrator

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City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

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**Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2008 As Follows:**

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**WHEREAS**, Federal, State and local grant agencies and Oakland City Council Rules of Procedure (Ordinance No. 79006 C.M.S.), Rule 21, require the Council to authorize the City Administrator to apply for, accept and appropriate grant funds on behalf of the City of Oakland, and Council Rules of Procedure Rule 21 and Oakland Municipal Code Section 2.04.016 requires the Council to authorize award/disbursal of grant funds to applicants; and

**WHEREAS**, there are numerous federal, state or local grants available to Oakland that will be ready for and require acceptance and appropriation, and grant awards that will be ready for disbursal to applicants, during the Council recess that may be negatively impacted if not timely accepted, appropriated and awarded/disbursed; and

**WHEREAS**, the following authorizations are sought for grant acceptance, appropriation and disbursal during the Council Summer Recess:

1. Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With ~~Provider—To Be Determined In Amounts To Be Determined~~ Regina Benoit In An Amount Not To Exceed \$56,115, Mada Hudson And Frida Stowe In Amounts Not To Exceed \$48,375, Martha Rebollo In An Amount Not To Exceed \$69,660, And Valerie Hamilton In An Amount Not To Exceed \$74,820 For An Aggregate Amount Not To Exceed \$365,930, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount Not To Exceed \$365,930, ~~And For A Two-Year Total To Be Determined Not To Exceed \$731,860~~,
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6. Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; and

**WHEREAS**, Oakland Municipal Code Section 2.04.020 sets contract approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of certain supplies, construction labor and materials and \$300,000.00 for professional services contracts; and

**WHEREAS**, there are six (6) contracts that exceed these expenditure limits that would be ready for approval during the Council recess and may have negative impacts if not timely approved; and

**WHEREAS**, the following authorizations are sought for construction and professional services contracts during the Council Summer Recess:

1. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. "To Be Determined") To The Lowest, Responsible And Responsive Bidder/Contractor "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council,

2. Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00),
3. Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To MACTECH Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each,
4. Resolution Awarding A Contract To The Lowest, Responsible And Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curran Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00),
5. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsive And Responsible Bidder "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00),
- 6) Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. "To Be Determined") To The Lowest Responsible, Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00), and

**WHEREAS**, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

**WHEREAS**, for the construction agreements identified herein the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of the construction agreements identified herein is in the public interest because of economy, and services under these agreements will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of any of the professional services or construction agreements identified herein shall not result in the loss of employment or salary by any person(s) having permanent status in the competitive service; and

**WHEREAS**, for the item identified in resolution title number 6 of this resolution (Contract With Rajappan & Meyer Consulting Engineers Inc.), it is in the City's best interests to waive the request for proposal process for the additional work to be added to the contract; and

**WHEREAS**, the item identified in resolution title number 9 of this resolution (Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610)) will be heard at the Public Works Committee at its regularly scheduled meeting of July 22, 2008, but items heard on that date will not be forwarded to the City Council till September 16, 2008, the first regularly scheduled meeting of the City Council after the Annual Recess of 2008; and

**WHEREAS**, due to the urgent nature of the resolution to award a construction contract for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail to the lowest responsible bidder/contractor for an amount not to exceed \$1,900,000, it is prudent for the City Council to per-approve authorizing the City Administrator to approve the contract on condition of the Public Works Committee voting to recommend approval of the proposed resolution at its July 22, 2008 regularly scheduled meeting; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to accept, appropriate and disburse grant funds and enter into the grant, construction and professional services agreements set forth herein in the amounts and with any conditions noted; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to approve the contract for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail to the lowest responsible bidder/contractor for an amount not to exceed \$1,900,000, on condition of the Public Works Committee voting to recommend approval of the proposed resolution at its July 22, 2008 regularly scheduled meeting; and be it

**FURTHER RESOLVED:** That the City Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency annual recess agenda process for any contracts authorized hereunder prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator shall, in accordance with the Council's Rules of Procedure, Rule 21, make a full and complete report to the City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the City Council may make such findings and confirm said actions as may be required; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.051.B and the reasons set forth above, the City Council finds and determines that it is in the City's best interests to waive the Request for Proposal Process for the work to be added to the contract with Rajappan & Meyer Consulting Engineers Inc., identified in resolution title number 6, and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve all contracts as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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