

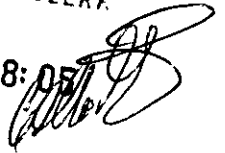
OAKLAND CITY COUNCIL

RESOLUTION NO. _____

C. M. S. _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 SEP 30 AM 8:05



INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FOR CONSTRUCTION OF THE RETAINING WALL ON THE CORNER OF SHEPHERD CANYON ROAD AND SARONI DRIVE, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY ADMINISTRATOR MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$200,000, WITHOUT RETURN TO COUNCIL (PROJECT NO. C253710)

WHEREAS, the retaining wall at the corner of Shepherd Canyon and Saroni Drive failed in January 2004; and

WHEREAS, the Public Works Agency is expediting the design of the retaining wall to replace the damaged wall before the winter of 2004; and

WHEREAS, the City will advertise and solicit competitive bids for this project provided that the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Administrator to award a contract without return to Council; and

WHEREAS, there are sufficient funds available in the Measure B ACTIA Fund (2211), Construction Account 57411, Project No. C253710 for the contract work; 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 services; now, therefore, be it

RESOLVED: That the City Administrator, is authorized to award a contract for the Construction of the retaining wall at the corner of Shepherd Canyon Road and Saroni Drive to

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the lowest responsible bidder, in accordance with the terms of its bid therefore, for an amount not to exceed Two Hundred Thousand Dollars (\$200,000), without return to Council; and be it

FURTHER RESOLVED: That in the event that bids are not received, or bids are deemed not responsive, the City Administrator is authorized to reject bids and negotiate a contract not to exceed \$200,000, without return to Council; and be it

FURTHER RESOLVED: That the City Administrator 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 the Contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

OCT 19 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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