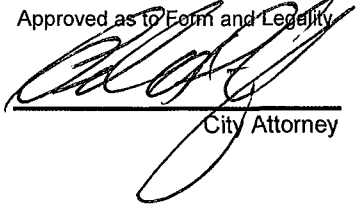


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2017 NOV 21 PM 3:56

Approved as to Form and Legality  
  
City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. 86990 C.M.S.

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

**RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE PERALTA HACIENDA HISTORICAL PARK PHASE 4A (PHHP P4A) CAPITAL IMPROVEMENT PROJECT (PROJECT NUMBER 1000646), IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS.**

**WHEREAS**, Peralta Hacienda Historical Park (PHHP) is an existing six-acre park located at 2465 34th Avenue in the Fruitvale area of Oakland; and

**WHEREAS**, The Phase 4A project (Project) represents the fourth installment of improvements to PHHP in accordance with the 2002 Peralta Hacienda Historical Park Master Plan Update; and

**WHEREAS**, in October 2016 the City entered into Agreement with the State of California Department of Natural Resources receiving Museum grant funds for the project; and

**WHEREAS**, in October 2017 the City entered into Agreement with the Federal Department of Housing and Urban Development receiving Community Development Block Grant funds for the project; and

**WHEREAS**, the City entered into Agreement with the East Bay Regional Park District receiving Measure WW Bond funds for the project; and

**WHEREAS**, on August 29, 2017 the City Council approved Resolution No. 86891 C.M.S. allowing staff to accept, appropriate and allocate design services and gift funds from Friends of Peralta Hacienda Historical Park; and

**WHEREAS**, on September 1, 2017 the City advertised the Peralta Hacienda Historical Park Phase 4A Project No. 1000646 for bid and 2 bids were received by the City Clerk on October 5, 2017; and

**WHEREAS**, both bids were significantly over the current construction budget; 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

**WHEREAS**, advertising and competitive re-bidding will delay the construction project which is to be completed and opened to the public by August 31, 2018 due to grant funds expiration;

**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 services; 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 be it

**FURTHER RESOLVED**, That the City Administrator, or Designee, is authorized to negotiate and execute a construction contract without return to Council contingent upon the availability of funding for the construction of Peralta Hacienda Historical Park Phase 4A Project No. 1000646 for an amount not to exceed of Six Hundred Thousand Dollars (\$600,000) in accordance with the project plans and specifications; and be it

**FURTHER RESOLVED**, That the City Council hereby approves the plans and specifications, including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of the Oakland Public Works Department for this project; 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 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.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2017

**PASSED BY THE FOLLOWING VOTE:**

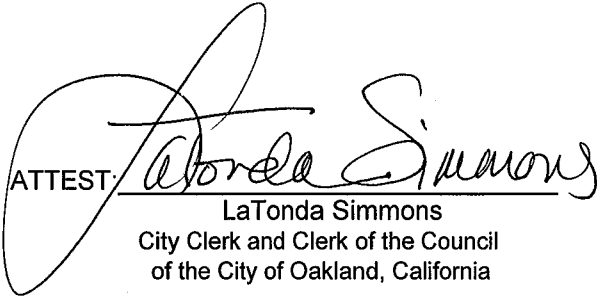
AYES - ~~7~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION 0

Excused - Brooks - 1

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