

*[Signature]*  
OFFICE OF THE CITY CLERK  
Oakland City Attorney's Office  
2006 APR 10 AM 8:32

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 79864 C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS AND NEGOTIATE WITH THE BIDDERS (STARTING WITH THE LOWEST BIDDER, AND IF NECESSARY, WITH THE SECOND AND THIRD BIDDERS) AND EXECUTE A CONSTRUCTION CONTRACT FOR THE REHABILITATION OF SANITARY SEWERS IN THE EASEMENT OFF NAIROBI PLACE (PROJECT NO. C67310) FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWENTY DOLLARS (\$618,920.00) WITHOUT RETURN TO COUNCIL**

**WHEREAS**, on February 27, 2006, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Easement off Nairobi Place (Project No. C67310); and

**WHEREAS**, the lowest bidder for the project did not meet the City's SLBE requirement; and

**WHEREAS**, the second lowest bidder met the City's SLBE and LBE requirements, but was 36% above the lowest bidder's amount; and

**WHEREAS**, the project is necessary to rehabilitate and protect the existing sanitary sewer; and

**WHEREAS**, the construction schedule for this project is limited to a period from May 15 to October 30 by a Fish and Game permit requirement; and

**WHEREAS**, re-bidding of this project is impracticable because it would delay the project for one year and risk further erosion of the creek bank and damage to the exposed sewer pipe; and

**WHEREAS**, there are sufficient funds in the project budget for an amount not to exceed Six Hundred Eighteen Thousand Nine Hundred Twenty Dollars (\$618,920.00) for the work. Funding for this project is available in the Sewer Service Fund (3100), Capital Project-Sanitary Sewer Design Organization (92244), Sewers Account (57417), and Rehabilitation of Sanitary Sewers in the Easement off Nairobi Place (Project No. C67310) and these funds were specifically allocated for this 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 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 received for the Rehabilitation of Sanitary Sewers in the Easement off Nairobi Place (Project No. C67310) are hereby rejected; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance will be 100% of the negotiated price, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, will be 100% of the negotiated price, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to negotiate with the lowest bidder, and if necessary, with the second and third bidders to enter into a contract with the contractor on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above rejection of all bids on the official bulletin board in the Office of the City Clerk; 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.

**MAY 2 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006


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