

OAKLAND CITY COUNCIL
RESOLUTION No. **77985** C. M. S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
[Signature]
2003 JUL 10 PM 3:21

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$300,000, FOR REHABILITATION OF STAIRS IN THE OAKMORE NEIGHBORHOOD, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$300,000, WITHOUT RETURN TO COUNCIL

WHEREAS, the Rehabilitation of Stairs in the Oakmore Neighborhood is a community-requested project which is consistent with the City Council Budget Priorities of **Clean and Livable Communities** and **Renewed Infrastructure** and supports the City Council Budget Priorities of **Vital Neighborhood Commerce** by improving a pedestrian connection to the Oakmore neighborhood commercial district; and

WHEREAS, the Rehabilitation of Stairs in the Oakmore Neighborhood consists of repair and reconstruction of four sets of stairs in existing City paths which are damaged and are unfit for pedestrian use; 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 Manager to award a contract without return to Council; and

WHEREAS, there are sufficient funds available from Measure B Sales Tax Funds, Fund No. 2210, Project Number C214810 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 Manager is authorized to award a contract for the Rehabilitation of Stairs in the Oakmore Neighborhood to the lowest responsible bidder, in accordance with the terms of its bid therefore, for an amount not to exceed Three Hundred Thousand Dollars (\$300,000), without return to Council; 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 of one-half the bid amount, 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, equal to the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$300,000, without return to Council; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to execute any amendments or modifications to said agreement; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2003, 2003

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
City Clerk and Clerk of the Council
of the City of Oakland, California