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July 12, 2005

Councilmember Jean Quan and Members
Finance and Management Committee
Oakland City Council
Oakland CA

RE: Resolution Authorizing the City Administrator to take action on procurement of certain supplies and services exceeding \$500,000 and certain professional services contracts exceeding \$300,000 during the Agency/Council Summer 2005 Recess

This report describes the process for handling legislative matters during the Agency/ Council summer recess and requests authorization by City Council to take action on procurement of certain supplies and services exceeding \$500,000 and certain services contracts exceeding \$300,000 during the Agency/Council Summer 2005 Recess.

Background

Resolution No. 79006 C.M.S., adopted in March 2005, establishes the City Council's Rules of Procedures, including procedures for the annual summer recess. The annual recess runs from August 1 through August 31 each year, or until the first meeting in September, as set by the Rules Committee. During the summer recess, the Mayor is authorized to take such actions as would normally be taken by the City Council. In order to implement the provisions of Rules of Procedures resolution, and in compliance with the Sunshine Ordinance, the City Administrator as the Mayor's designee, through the City Clerk, will continue to notice, publish, and post in appropriate locations on Fridays a "two-week agenda" throughout the recess. Ordinances and reports to committees will not be processed during the recess. Neither will a supplemental agenda be published.

Further, Chapter 2 [2.04.020-I] of the Oakland Municipal Code authorizes the City Administrator to approve during recess contracts, in any one transaction, pertaining to: (1) supplies and services procurement not exceeding Five Hundred Thousand Dollars (\$500,000), and (2) professional services not exceeding Three Hundred Thousand Dollars (\$300,000). Actions taken thereon by the Mayor and City Administrator during the recess will be reported to the City Council upon its return, and any action exceeding the contract limits will be subject to ratification by the City Council.

Proposed Authorizations

Staff anticipates that two contracts exceeding the City Administrator's authority must be approved during the summer recess, and is seeking the City Council's approval to proceed. Staff reports and resolutions regarding the following contracts will appear on the Mayor's Summer Recess agendas.

Services Agreement

The following services agreement exceeds the \$300,000 limit, will be ready for approval during the Council recess, and has implications if not approved timely during the recess:

From: Department of Human Services

Resolution Authorizing The City Administrator To Enter Into A Services Agreement With The Oakland Unified School District In An Estimated Amount Of \$510,862.00 To Fund Measure Y Violence Prevention Programs, Specifically Conflict Resolution Programs And Second Step Curriculum Implementation, During The 2005-06 School Year With Two One-Year Options To Renew At An Estimated Amount Of \$510,862 Plus Cost Of Living Adjustment Annually Without Further Council Approval

This resolution will allow the Oakland Unified School District to begin implementation of Measure Y funded programs during the 2005-06 school year. Specifically, \$235,782 was allocated for peer conflict resolution programs in 12 to 15 middle schools. An additional \$275,080 was allocated for Head Start and OUSD K-8 implementation of the Second Step violence prevention curriculum. The general terms of this contract were approved by City Council when it adopted staff Measure Y recommendations on June 7, 2005.

The total amount of \$510,862 funds a contract beginning July 1, 2005 through June 30, 2006 with two one-year options to renew pending the demonstration of successful outcomes. The contract is not yet ready for the July City Council meeting, and deferring the contract approval until September would not allow OUSD to hire staff and be ready for implementation in the 2005-06 school year.

Procurement Contract

The following contract for procurement of supplies or services exceeds the City Administrator's \$500,000 authority, will be ready for approval during the summer recess and has implications if not approved timely.

From: Public Works Agency

Resolution Authorizing the Award Of A Contract To Lovett & Lovett Roofing Company, The Lowest Responsible Bidder, In An Amount Not To Exceed Five Hundred Sixty Eight Thousand Four Hundred Seventy Seven Dollars (\$568,477.00) For A One-Year Term Contract In Accordance with Specifications Dated November 5, 2004 For Roofing And Waterproofing Installation At Various City-Owned Facilities, Rejecting All Other Bids and Authorizing a 1-year Extension Under the Same Terms and Conditions in an Amount Not-

**To-Exceed Five Hundred Sixty Eight Thousand Four Hundred Seventy Seven Dollars
(\$568,477.00) Without Further Council Approval**

The Resolution will authorize the City to award a one-year contract to the lowest responsible bidder (Lovett & Lovett Roofing Company) for roofing repair and retrofit on an as needed basis. The Office of Contract Compliance evaluated the Lovett & Lovett proposal and determined that it meets 100% L/SLBE participation.

Cost of the contract is based on the unit prices for an estimated amount of different roofing systems that may need repair during the course of the contract. City maintenance crews are not staffed, nor do they have the expertise for major roof retrofits.


The contract is in accord with the Standard Specifications for Public Works Construction Contracts, as modified by the City of Oakland's Modifications and Special Provisions:

- The contract is for a duration of one year and for a maximum of \$568,477.00, whichever occurs first.
- Upon request of the Contractor, the City Administrator may extend the contract for one additional year with terms and conditions remaining the same.

Contract award must be expedited as Oakland's normal rainy season starts by mid-November. Several of the roofs included for repair, as funded by the City Council, currently leak during rain. Early award of the contract will allow Public Works to complete the most urgent roof repairs before start of the rainy season.

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

Respectfully submitted,


DEBORAH A. EDGERLY
City Administrator

Prepared by:
Jayne Becker
Assistant to the City Administrator

OFFICE OF THE CITY CLERK DEPUTY CITY ATTORNEY
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

2/3 VOTE REQUIRED

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ACTION ON PROCUREMENT OF THE FOLLOWING SUPPLIES AND SERVICES EXCEEDING \$500,000 AND PROFESSIONAL SERVICES CONTRACTS EXCEEDING \$300,000 DURING THE AGENCY/COUNCIL 2005 SUMMER RECESS:

- a) **Resolution Authorizing The City Administrator To Enter Into A Services Agreement With The Oakland Unified School District In An Estimated Amount Of \$510,862.00 To Fund Measure Y Violence Prevention Programs, Specifically Conflict Resolution Programs And Second Step Curriculum Implementation, During The 2005-06 School Year With Two One-Year Options To Renew At An Estimated Amount Of \$510,862 plus Cost of Living Adjustment Annually Without Further Council Approval**

- b) **Resolution Authorizing the Award Of A Contract To Lovett & Lovett Roofing Company, The Lowest Responsible Bidder, In An Amount Of Not To Exceed Five Hundred Sixty Eight Thousand Four Hundred Seventy Seven Dollars (\$568,477.00) For A One-Year Term Contract In Accordance with Specifications Dated November 5, 2004 For Roofing And Waterproofing Installation At Various City-Owned Facilities, Rejecting All Other Bids and Authorizing a 1-year Extension Under the Same Terms and Conditions in an Amount Not-to-exceed Five Hundred Sixty Eight Thousand Four Hundred Seventy Seven Dollars (\$568,477.00) Without Further Council Approval**

WHEREAS, contract approval limits for the City Administrator during the annual summer recess of the City Council have set expenditure limits of \$500,000.00 for procurement of certain supplies and services and \$300,000.00 for professional services contracts; and

WHEREAS, there are two contracts that exceed these expenditure limits that would be ready for approval during the Council recess and may have implications if not approved timely; and

WHEREAS, these items are:

- 1. An agreement with the Oakland Unified School District ("District") to provide Measure Y funding in an estimated amount of five hundred ten thousand eight hundred sixty two dollars (\$510,862.00) for the District's Violence Prevention Programs, specifically the Conflict

Resolution and Second Step Curriculum Implementation programs, during the 2005-06 School Year with two one-year options to renew at an estimated amount of five hundred ten thousand eight hundred sixty two dollars (\$510,862.00) plus annual cost of living adjustments; and

2. A City-wide, one-year term contract for roofing and waterproofing installation with Lovett & Lovett Roofing Company in an amount not-to-exceed five hundred sixty eight thousand four hundred seventy seven dollars (\$568,477.00) in accord with specifications dated November 5, 2004 for Roofing and Waterproofing Installation at City facilities, with a 1-year extension under the same terms and conditions in an amount not-to-exceed five hundred sixty Eight thousand four hundred seventy seven dollars (\$568,477.00); and

WHEREAS: a competitive bid was conducted for roofing and waterproofing installation work and Lovett & Lovett Roofing Company was deemed the lowest responsible bidder and meets 100% of the City's L/SLBE participation requirements; 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 having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to enter into an agreement with the Oakland Unified School District ("District") in an estimated amount of five hundred ten thousand eight hundred sixty two dollars (\$510,862.00) to fund Measure Y Violence Prevention Programs provided by the District, specifically the Conflict Resolution and Second Step Curriculum Implementation programs, during the Districts 2005-06 school year, and authorizing two one-year optional renewals at an estimated amount of five hundred ten thousand eight hundred sixty two dollars (\$510,862.00) plus annual cost of living adjustments, without further Council approval, during the City of Oakland and Redevelopment Agency 2005 Summer Recess; and; be it

FURTHER RESOLVED: That that the City Council hereby authorizes the City Administrator to award a contract to Lovett & Lovett Roofing Company, the lowest responsible bidder, in an amount not-to-exceed five hundred sixty eight thousand four hundred seventy seven dollars (\$568,477.00) for a one-year term contract in accordance with specifications dated November 5, 2004 for Roofing and Waterproofing Installation at Various City-owned Facilities, and authorizing a 1-year extension under the same terms and conditions in an amount not-to-exceed five hundred

sixty eight thousand four hundred seventy seven dollars (\$568,477.00) without further Council approval, during the City of Oakland and Redevelopment Agency 2005 Summer Recess; and, be it

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

FURTHER RESOLVED: That the approval sought under this Resolution for item 2 requires a two-thirds vote of the Council members.

344371

IN COUNCIL, OAKLAND, CALIFORNIA, JULY 19, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, 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