

*Richard D. Nelson*  
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK  
OAKLAND

2006 APR 13 AM 9:40  
**OAKLAND CITY COUNCIL**  
**79865**

**RESOLUTION No: \_\_\_\_\_ C.M.S.**

**RESOLUTION REJECTING ALL BIDS, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE OR RE-BID, AWARD AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, FOR THE CONSTRUCTION OF WILLOW PARK RENOVATION (PROJECT NO. C195910) NOT-TO -EXCEED THE AMOUNT OF SEVEN HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$756,000.00)**

**WHEREAS**, on March 13, 2006 bids were received by the Office of the City Clerk of the City of Oakland for the Willow Park Renovation Project (No. C195910); and

**WHEREAS**, two bids were received but all bidders failed to meet the Compliance Programs requirements for Local and Small Local Business Enterprises; and

**WHEREAS**, there are sufficient funds in the project budget for work and the total project budget of \$756,000.00 are allocated in 1) HUD – Community Development Block Grant Fund (2108), Willow Park Basketball Court Renovation Project (G161210), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$16,000.00; 2) Federal Department of the Interior Fund (2110), Willow Park UPPAR Project (G161120), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$350,000.00; 3) California Parks and Recreation Fund (2134), West Oakland Playgrounds Project (C195910), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$310,000.00; 4) Mayor’s Commission on Persons with Disabilities approved an allocation on October 10, 2005, for related ADA improvements for the park from the Municipal Capital Improvement Fund (5500), ADA Transition Plan Implementation Project (C88810), in the amount of \$50,000.00; 5) District Three Council Office discretionary funds from the Municipal Capital Improvement Fund (5500), District Three Pay-Go Project (B00700) in the amount of \$30,000; 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 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 Council rejects all bids submitted on March 13, 2006 for the Willow Park Renovation as non-responsive; and, be it

**FURTHER RESOLVED:** That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.I.5, the City Council hereby finds and determines that it is in the City's best interests to authorize the City Administrator to waive further competitive bidding, at her discretion, in light of the grant deadlines for completion of the project, and hereby so authorizes her to do so; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to negotiate or re-bid and award and execute a construction contract based on plans and specifications for the Willow Park Renovation Project in an amount not-to-exceed seven hundred fifty-six thousand dollars (\$756,000.00) without return Council, and to execute any amendments or modifications of said contract within the limitations of the project scope; and, be it

**FURTHER RESOLVED:** That the contractor shall be required to meet all City of Oakland contracting programs; and, be it

**FURTHER RESOLVED:** That the contractor shall provide faithful performance and payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; 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 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, REID, QUAN,  
AND PRESIDENT OF THE COUNCIL 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