
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 83481 C.M.S.

RESOLUTION:

- 1) **REJECTING ALL BIDS, WAIVING ANY FURTHER ADVERTISING AND BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT ON THE OPEN MARKET FOR THE LEVELING THE PLAYING FIELD PHASE II PROJECT FOR AN AMOUNT NOT TO EXCEED TWO MILLION ONE HUNDRED FIFTY ONE THOUSAND DOLLARS (\$2,151,000.00), WITHOUT RETURN TO COUNCIL, AND**
- 2) **APPROPRIATING UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) OF THE REMAINING MEASURE WW FUNDS FROM POPLAR FIELD (NO. C376810), CENTRAL RESERVOIR FIELD (No. C377010), AND OWEN JONES FIELD (NO. C376710) TO THE BROOKDALE PARK FIELD (NO. C290810) FOR THE PROJECT**

WHEREAS, on June 2, 2011, three bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Leveling the Playing Field Phase II; and

WHEREAS, there were discrepancies in the bid documents provided to bidders, there are time constraints that require expedited project completion and a need to maximize cost effectiveness for the project; and

WHEREAS, Oakland Municipal Code, Title 2, Section 2.04.050.I (5) allows waiver of advertising and bidding upon a determination that it is in the best interests of the City to do so; and

WHEREAS, due to discrepancies in the bid documents available for interested bidders it is necessary to reject all bids and revise documents; and

WHEREAS, the City must expend all Proposition 40 grant funds by March 2012, which requires the City to execute a contract and commence construction no later than September 2011 to meet the grant expenditure deadline and avoid the risk of loss of funding; and

WHEREAS, staff recommends that it is in the City's best interests to waive any further advertising and bidding and authorize the City Administrator to negotiate and award a construction contract the Leveling The Playing Field Phase II Project for an amount not to exceed two million one hundred fifty one thousand dollars (\$2,151,000.00) on the open market, without return to Council;

WHEREAS, staff recommends that the Council appropriate up to two hundred thousand dollars (\$200,000.00) of the remaining Measure WW Funds from Poplar Field (No. C376810), Central Reservoir Field (No. C377010), and Owen Jones Field (No. C376710) to the Brookdale Park Field (No. C290810) for the Leveling The Playing Field Phase II Project; and

WHEREAS, there are sufficient funds from East Bay Regional Park District Regional Open Space, Wildlife, Shoreline and Parks Grant Fund (2260), Leveling the Playing Field Project – Owen Jones, Poplar and Central Reservoir Fields (C376710, C376810, C377010), Capital Improvement Organization (92270) Landscape Improvement Account (57112), Project Delivery Program (IN06) and from the California State Parks & Recreation Grant Fund (2134), Capital Projects – Project Management Organization (92270), Leveling the Playing Field Project (C290810), Landscape Improvement Account (57112), Project Delivery Program (IN06) for the project; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Administrator has determined that the performance of this contract is in the public interest because of economy, is of a professional, scientific or technical and temporary nature and 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 submitted on June 2, 2011 in response to the City of Oakland Notice Inviting Bids for the Construction of the Leveling the Playing Field Phase II project are hereby rejected due to the discrepancy in documents provided to bidders; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.050.I.5 and based on the reasons stated herein and in the City Administrator's report accompanying this resolution, the City Council hereby finds and determines that it is in the City's best interests to waive further advertising and bidding for the construction contract for the Leveling the Playing Field Phase II Project, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award a contract on the open market for the Leveling the Playing Field Phase II project in an amount not to exceed two million one hundred fifty one thousand dollars (\$2,151,000.00), without return to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to appropriate up to two hundred thousand dollars (\$200,000.00) of the remaining Measure WW funds from Poplar Field (No. C376810), Central Reservoir Field (No. C377010), and Owen Jones Field (No. C376710) to the Brookdale Park Field (No. C290810) for the project; and be it

FURTHER RESOLVED: That the contractor selected will be required to meet the City's local business and employment program and other contracting requirements; and be it

FURTHER RESOLVED: That the Council hereby approves the plans and specifications prepared by the Director of Public Works or his designee for this project; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit and execute all documents, including, but not limited to, applications, contracts, amendments, payment requests and related actions for the completion of these projects in connection with funding agreements; and be it

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

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2011, 2011

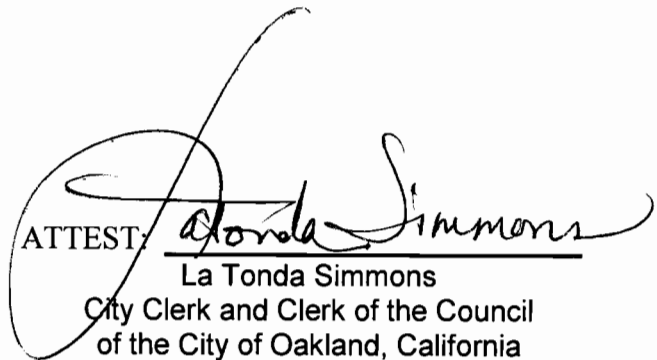
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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