

 City Attorney

 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND
 2008 JUN 26 PM 4:18

OAKLAND CITY COUNCIL

 RESOLUTION No. 81455 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT FOR THE CITY STABLES PADDOCKS PROJECT TO THE LOWEST RESPONSIBLE BIDDER/CONTRACTOR TO BE NAMED UPON SUCCESSFUL BIDDING OF THE PROJECT FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00), OR IF ALL BIDS SUBMITTED ARE NON-RESPONSIVE, TO REJECT ALL BIDS, WAIVE FURTHER COMPETITIVE BIDDING REQUIREMENTS, AND NEGOTIATE A CONTRACT WITHIN BUDGET, FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00), WITHOUT RETURN TO COUNCIL

WHEREAS, the City Stables Paddocks project is a much needed project to provide the community with year-round recreational opportunities; and

WHEREAS, construction documents for the City Stables Paddocks Project have been prepared and construction bids are scheduled to be received on June 16, 2008; and

WHEREAS, it is necessary to expedite the completion of this project prior to the expiration of the State Proposition 12 Roberti Z'berg-Harris Urban Open Space and Recreation Program Grant; and

WHEREAS, there are sufficient funds in the project budget for the construction work and contingencies totaling \$350,000.00 within the State Proposition 12 Roberti Z'berg-Harris Urban Open Space and Recreation Program Grant Fund (2134), Capital Project Management Organization (92270), and City Stables Capital Improvements Project (G230120); and

WHEREAS, if the City does not receive any responsible bids, that the City Administrator will be authorized to reject all bids, waive further bidding requirements, and negotiate a construction contract within budget for an amount not-to-exceed three hundred fifty thousand dollars (\$350,000.00); and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050.I (2) and (5) allows waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding; and

WHEREAS, the contractor will be required to meet the requirements of the City's L/SLBE, the Local Trucking, Local Employment and Apprenticeship Programs; 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 service; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a contract for the construction of the City Stables Paddocks project to the lowest responsible bidder in accordance with the terms of its bid for an amount not-to-exceed three hundred fifty thousand dollars (\$350,000.00) and to execute any amendments or modifications of said contract, within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That if no responsive bids are received and pursuant to Oakland Municipal Code Section 2.04.050.I (5), the City Council hereby determines that it is in the best interests of the City to waive further advertising and bidding requirements; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all bids and negotiate a contract for an amount not-to-exceed three hundred fifty thousand dollars (\$350,000.00), if necessary without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or her 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; and be it

FURTHER RESOLVED: That should additional funds be received for these projects, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

FURTHER RESOLVED: That the City of Oakland certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the City Stables Paddocks Project; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, equal to the amount of the contract, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, equal to the amount of the contract with respect to such work are hereby approved; 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.

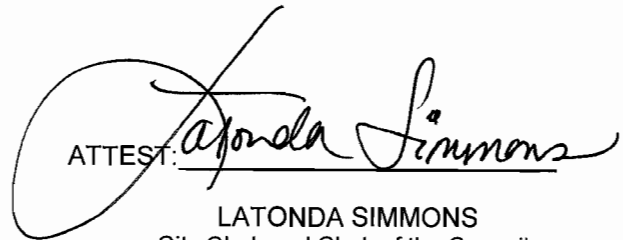
IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2008, 2008

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