

REVISED

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

Resolution No. 01 - 06 C.M.S.



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**RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO SEEK INFORMAL BIDS, NEGOTIATE IF NECESSARY, AND AWARD CONTRACTS TO DESIGN AND CONSTRUCT IMPROVEMENTS FOR A PUBLIC ART GALLERY IN THE LIONEL J. WILSON BUILDING AND AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$180,000**

**WHEREAS**, the Redevelopment Agency authorized the Pardee Artists Settlement Agreement in Resolution No. 99-15 C.M.S., on May 18, 1999; and

**WHEREAS**, as part of the Settlement Agreement, the Agency agreed to convert at its own expense a retail space in the Dalziel Building into a visual arts gallery, which is to remain for a minimum of 10 years; and

**WHEREAS**, a retail space in the Lionel Wilson Building proved to be more easily and economically converted into a gallery space; and

**WHEREAS**, the First Amendment to the Settlement Agreement with the Pardee Artists executed on September 29, 2000, changed the location of the gallery to approximately 3,317 square foot of available retail space in Suites E and F of the Lionel J. Wilson Building; and

**WHEREAS**, under Council action on May 12, 1998, the City Manager was authorized to award contracts to construct owner improvements in the Lionel J. Wilson Building in an amount not-to-exceed \$2,099,000; and

**WHEREAS**, additional funds are required to build the tenant improvements required for the Gallery; and

**WHEREAS**, the adopted Redevelopment Agency Central District Budget for the 1999-2001 Fiscal Year contains \$180,000 available for the construction of the tenant improvements in the Retail/Entertainment Catalyst Project, Fund # 9526, Org. 94800, Project # P128610; and

**WHEREAS**, the Gallery will play an important role in the Agency's Downtown retail attraction program and will be an asset for additional retail and restaurant tenants in the area; and

**WHEREAS**, the Agency desires to complete the construction of the Gallery by the summer to allow for the planned opening; and

**WHEREAS**, the City's Purchasing Ordinance (codified as Chapter 2.04 of the Oakland Municipal Code), Section 2.04.050.l. allows an exception to the competitive bid process when the City Council finds that it is in the best interests of the City not to formally bid the work; and

**WHEREAS**, the Redevelopment Agency follows the City's contracting policies; and

**WHEREAS**, the City Council has consented to the Agency paying for Gallery improvements pursuant to Health and Safety Code section 33445; and

**WHEREAS** the formal competitive bid process for the Gallery would take three to four months and would substantially delay the project; and

**WHEREAS**, the Agency finds that the City does not have the staffing necessary to perform this work and that the performance of this work through contract is in the public interest because of economy and better performance; and

**WHEREAS**, the Agency finds that this contract will 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 Agency hereby finds and determines that it is in the best interests of the Redevelopment Agency to waive the formal competitive bid process, to authorize an informal bid process, to reject all bids if necessary and negotiate for the development of the Gallery, and to delegate authority to the Agency Administrator to award contracts, in order to avoid time delays associated with a competitive bid process and to facilitate the timely development and opening of the Gallery, and in view of the importance of Gallery development to the Agency's retail attraction and retention efforts; and be it

**FURTHER RESOLVED:** That the Agency Administrator or his designee is hereby authorized to seek informal bids, negotiate with bidders if necessary, and negotiate and enter into all agreements as necessary to construct the tenant improvements required for the Cultural Arts Gallery in the Lionel J. Wilson Building; and be it

**FURTHER RESOLVED:** That all agreements shall comply with applicable provisions of the City of Oakland's Local/Small Local Business Enterprise Construction and Professional Services Programs and the Local Employment Program; and be it

**FURTHER RESOLVED:** That the Agency hereby authorizes Central District capital funds not to exceed \$180,000 for Gallery improvements; and be it

**FURTHER RESOLVED:** That the total amount of said agreements shall not exceed the amount authorized under this Resolution and amounts authorized under City Council Resolution No.74226 C.M.S.; and be it

**FURTHER RESOLVED:** That under the informal bid process, a minimum of three bids will be obtained; and be it

**FURTHER RESOLVED:** That all agreements executed pursuant to this Resolution shall be reviewed and approved as to form and legality by Agency Counsel and shall be filed with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, FEB 27 2001 , 2001


PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, NADEL, REID, SPEES, WAN AND  
~~CHAIRPERSON DE LA FUENTE~~, -6

NOES- None

ABSENT- De la Fuente (Excused) - 1

ABSTENTION- None

Attest:   
CEDA FLOYD  
Secretary of the Redevelopment Agency  
of the City of Oakland