

[Signature]
City Attorney

OFFICE

2007 JUL -5 PM 1:14

OAKLAND CITY COUNCIL

RESOLUTION NO: 80776 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS FOR THE HISTORIC EAST 18TH STREET PIER OVERLOOK RECONSTRUCTION PROJECT (C242212) ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00), WITHOUT RETURN TO THE CITY COUNCIL

WHEREAS, on June 19, 2007, the City Council approved Resolution No. 80661 C. M. S. rejecting all bids submitted for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212) and waiving further competitive bidding requirements; and

WHEREAS, Council authorized staff to begin negotiations with the low bidder, Valentine Corporation; and

WHEREAS, Council requested that staff provide information at the July 17, 2007, Council meeting regarding maximization of Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation in the negotiated construction contract, and to describe the major scope changes in the project required to reduce the construction cost to meet the budget; and

WHEREAS, staff is providing a supplemental report on the negotiated contract with information regarding the LBE/SLBE participation and proposed scope changes on the project; and

WHEREAS, Oakland Municipal Code Title 2, Section 2.04.050.J authorizes the City Administrator to "hire or have the services performed or purchase the supplies in the open market;" and

WHEREAS, funds totaling \$1,430,000.00 are available for the construction project and contingency from the following sources: \$475,250.00 from the Lake Merritt Retaining Walls Project allocated for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212) from Measure DD Series A Bond Fund (Fund 5320); \$195,000.00 from the Lake Merritt Retaining Walls Project (C242210) under Measure DD Series A and Series B Bond Fund (Fund 5320); \$105,000.00 from State Proposition 12 (the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) (Fund 2134) allocated for the Historic East 18th Street Pier Overlook Reconstruction Project (G220110); and \$654,750.00 from the East 18th Street Gateway Project (C242115) under Measure DD Series A and Series B Bond Fund (Fund 5320); and

WHEREAS, in the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the construction contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects that are on hold, and will be recovered from the Series B Bond when the funds do become available; and

WHEREAS, time is of the essence because \$105,000.00 in grant funding from State Proposition 12 (the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) has been allocated for the Historic East 18th Street Pier Overlook Reconstruction Project and the State requires that all reimbursement requests be submitted by March 31, 2008, and the grant program will expire by June 30, 2008; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 pursuant to Oakland Municipal Code Section 2.04.050.J, the Council authorizes the City Administrator to purchase the supplies and services needed for the construction of the Historic East 18th Street Pier Overlook Reconstruction Project on the open market in an amount not-to-exceed one million three hundred thousand dollars (\$1,300,000.00) without return to the City Council; and, be it;

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a construction contract for the construction of the Historic East 18th Street Pier Overlook Reconstruction Project in an amount not-to-exceed one million three hundred thousand dollars (\$1,300,000.00) on the open market, without return to the City Council; and, be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications and Council-approved contract amount without return to Council, and, be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Historic East 18th Street Overlook Reconstruction Project (C242212); and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the Office of the City Attorney and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2007, 2007

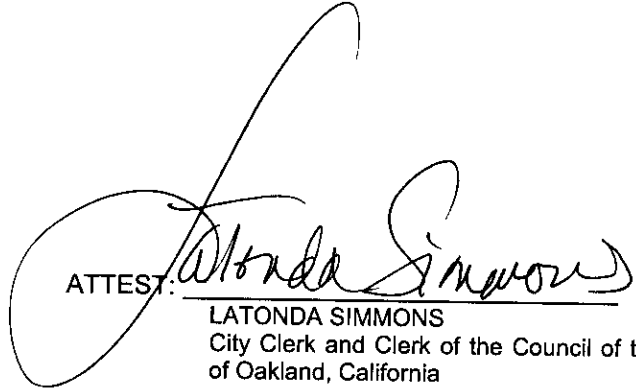
PASSED BY THE FOLLOWING VOTE:

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