

OAKLAND CITY COUNCIL

RESOLUTION No. 79114 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

Requires the two-thirds vote of the Council 2005 FEB 23/040009

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS FOR THE MEMORIAL PARK PROJECT, TO REVISE THE SCOPE OF WORK, AND TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT WITHOUT RETURN TO CITY COUNCIL FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED AND THIRTY THOUSAND DOLLARS (\$630,000)

WHEREAS, the Memorial Park project will consist of open space with colorful greenery and distinctive landscaped areas that acknowledge the lives lost during the 1989 Loma Prieta earthquake and the historical significance of the rescue efforts by the West Oakland community; and

WHEREAS, the Memorial Park project will improve the overall visual appearance of the area and provide a safe rest area for the Bay Trail connection through West Oakland; and

WHEREAS, the Memorial Park project is funded by a grant from the State of California Department of Transportation (Caltrans) in the amount of \$620,000, the State Environmental Enhancement and Mitigation (EEM) Program in the amount of \$250,000 and from Council Discretionary Funds from District 3 (Paygo, Fund No. 5500) in the amount of \$41,000; and

WHEREAS, funds are available in the Department of Transportation fund (#2140) in the Memorial Park project (#C224510 and #C224520), in the PWA, Project Delivery Organization (#92270); and

WHEREAS, the original EEM grant funds had a stipulation that the final reimbursement request must be submitted to the state by June 30, 2005.

WHEREAS, in December 2004, the State of California notified the City of Oakland that the deadline for submission of project costs for reimbursement was moved back several months to April 30, 2005, for the State Environmental Enhancement and Mitigation (EEM) Program grant; and

WHEREAS, reimbursement requests submitted after April 30th are at risk of non-reimbursement by the State of California; and

WHEREAS, on January 31, 2005, three bids substantially over the engineer's estimate were received by the City Clerk for the Memorial Park project and thus should be rejected; and

WHEREAS, formally re-bidding and awarding the project will require three to four months; and

WHEREAS, City Charter Article 808 and Oakland Municipal Code, Title 2, Section 2.04.050.I (2) and (5), allows waiver of competitive bidding when a second competitive bid process would be

unavailing and when it is in the best interests of the City to waive competitive bidding; and

WHEREAS, revising the scope of work, waiver of competitive bidding and authorizing a negotiated contract will accelerate the project schedule to allow for the completion of the Memorial Park project by summer 2005; and

WHEREAS, the funding agencies approve of negotiating a contract;

WHEREAS, staff and the design consultant have proposed to reduce the construction cost by revising the scope of work and value engineering, the modifications to the scope of work will allow the project to be completed within budget yet will not significantly affect the design integrity, quality, or scope of the original project; and

WHEREAS, the contractor will be required to meet the City's local and small local business, employment and other contracting programs and requirements; and

WHEREAS, there are sufficient funds in the project budget for the work; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, the City Council finds and determines that the performance of this contract is in the public interest because of economy, and 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 pursuant to City Charter Article 808 and Oakland Municipal Code, Title 2, Section 2.04.050.I (2) and (5), the City Council finds it is in the best interests of the City to waive the formal bidding requirement because a second competitive bid process would be unavailing and would exceed the time allowed for grant reimbursements under the State EEM grant; and, be it

FURTHER RESOLVED: that the City Administrator, or her designee, is hereby authorized to reject all previous bids for the Memorial Park Project, Project No. C224510 and return bid securities; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to revise the scope of work, to negotiate a contract and to award a construction contract without return to City Council for an amount not to exceed \$630,000; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the revised project specifications; and, be it

FURTHER RESOLVED: The amount of the bond for faithful performance will be equal to 100% of the contract amount, 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 will also be equal to 100% for the contract amount, 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 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.

MAR 15 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

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NOES-

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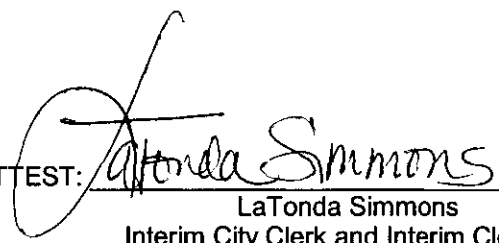
ABSENT-

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ABSTENTION-

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ATTEST:



LaTonda Simmons
Interim City Clerk and Interim Clerk of the
Council of the City of Oakland, California