

REVISED

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

RESOLUTION No. 77746 C.M.S.

2003 APR 18 AM 10:19  
INTRODUCED BY COUNCILMEMBER



**Requires the two-thirds vote of the Council**

**RESOLUTION AUTHORIZING (1) THE CITY MANAGER, OR HIS DESIGNEE, TO RECOMMEND THE AWARD OF A CONSTRUCTION CONTRACT FOR PHASE 2 OF THE ACORN-PRESCOTT NEIGHBORHOOD STREETScape IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$1,357,000), WITHOUT RETURN TO COMMITTEE, PROVIDED THAT IF THE BIDS RECEIVED ARE NOT RESPONSIVE, THE CITY MANAGER, OR HIS DESIGNEE, MAY (2) REJECT ALL BIDS AND INFORMALLY RE-BID OR NEGOTIATE THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$1,357,000, WITHOUT RETURN TO COMMITTEE, PROVIDED THAT THE FINAL AWARD RECOMMENDATION WILL BE APPROVED BY THE CITY COUNCIL**

**WHEREAS**, construction documents for Phase 2 of the Acorn-Prescott Neighborhood Streetscape Improvements (Project No. P131620) have been prepared and construction bids will be received on April 14, 2003; and

**WHEREAS**, it is necessary to expedite the award of a construction contract in order to minimize potential construction delays during the winter months, and to be substantially complete prior to the holiday season; and

**WHEREAS**, the Acorn-Prescott Neighborhood Streetscape Improvements project is consistent with City Council Budget Priorities of "Renewed Infrastructure", "Clean and Livable Communities", and "Vital Neighborhood Commerce"; and

**WHEREAS**, the construction contract will be for an amount not to exceed \$1,357,000 including a construction contingency; and

**WHEREAS**, funds are available for the project; 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 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 Manager, or his designee, is authorized to recommend a construction contract on behalf of the City of Oakland for Phase 2 of the Acorn-Prescott

Neighborhood Streetscape Improvements ("project") to the lowest, responsible, and responsive bidder, in accordance with the terms of its bid, for an amount not to exceed one million three hundred fifty-seven thousand dollars (\$1,357,000), without return to Committee, provided that the final award recommendation will be approved by the City Council; and be it

**FURTHER RESOLVED:** That if the initial bids are non-responsive, the City Manager, or his designee, is authorized to reject all bids, informally re-bid and/or negotiate a contract on behalf of the City of Oakland for this project for an amount not to exceed one million three hundred fifty-seven thousand dollars (\$1,357,000), without return to Committee, provided that the final award recommendation will be approved by the City Council; and be it

**FURTHER RESOLVED:** That the City Manager or his designee is hereby authorized to reject all other bids and to execute any amendments or modifications of said contract within the limitations of the project specifications; 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.

APR 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003


**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~BROOKS~~, BRUNNER, ~~WONG~~, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE - 6

NOES- 0  
Excused  
ABSENT-

BROOKS, Chang - 2

ABSTENTION- 0

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California