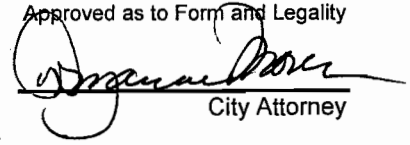


OAKLAND CITY COUNCIL


City Attorney

2009 MAY 26 PM 1:41

RESOLUTION NO. 82008 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE ADVERTISING AND BIDDING FOR TRUCKING SERVICES FOR THE TRANSPORTATION OF CONTAMINATED SOIL FROM THE COLISEUM BART STATION AREA UNDERGROUND UTILITY DISTRICT NO. 235 PROJECT, LOCATED ON SAN LEANDRO STREET BETWEEN 66TH AVENUE AND 73RD AVENUE, TO STATE-CERTIFIED DUMP SITE FACILITIES, AND AWARDED A CONTRACT TO SUMMERHILL ELECTRIC IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) FOR SAID TRUCKING SERVICES IN ACCORD WITH PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. C332110 AND CONTRACTOR'S BID DATED APRIL 2, 2009

WHEREAS, the Coliseum BART Station Area Underground Utility District No. 235 located on San Leandro Street between 66th Avenue and 73rd Avenue is a California Public Utilities Commission Rule 20B underground utility project, created by Council Resolution 81002 on December 18, 2007; and

WHEREAS, the Redevelopment Agency initiated this project as part of their overall plan for the Coliseum Area development and requested the Public Works Agency to execute the work of removing Pacific Gas & Electric (PG&E), AT&T, Comcast and City overhead wiring and facilities and replace them with underground facilities; and

WHEREAS, PG&E is handling the overall undergrounding project and the City has paid the City's entire cost of streetlight and other facility undergrounding not covered by Rule 20A funds, \$2,613,200.00, to PG&E from funds provided by the Redevelopment Agency; and

WHEREAS, after authorization to proceed, PG&E began to implement the project and encountered contaminated soil in the City's right of way in the project area and the City's environmental tests identified approximately 3000 tons of contaminated soil in all three classifications, viz. Class I, Class II, and Class III; and

WHEREAS, PG&E notified staff that the City must manage and dispose of the contaminated soil because PG&E only removes and disposes of Class III clean soil; and

WHEREAS, the City asked the City project contractor, Summerhill Electric, for price quotes to undertake the additional task of removal and trucking of Class I and Class II contaminated soil to state-certified dump sites; and

WHEREAS, Summerhill Electric submitted unit price quotes by which Public Works estimated that the work would cost up to \$120,000.00; and

WHEREAS, there is insufficient time to conduct an advertised bid, which would require four to five months, because it is imperative that the contaminated soil be removed from the City site on which it currently sits as soon as possible to avoid contamination of the site and the surrounding area; and

WHEREAS, the services provided under this contract are of a technical and temporary nature, are in the public interest because of economy or better performance and 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 Oakland Municipal Code Section 2.04.050.I.5, the City Council finds and determines that it is in the best interests of the City to waive advertising and bidding for soil removal and transport of contaminated soil from the -Coliseum BART Station Area Underground Utility District No. 235 project area and so waives the requirements; and be it

FURTHER RESOLVED: That a contract for the removal and transport of contaminated soil from the -Coliseum BART Station Area Underground Utility District No. 235 project area to state-certified dump facilities is awarded to Summerhill Electric, in accord with plans and specifications for City Project No. C332110 and the contractor's bid dated April 2, 2009, in an amount up to one hundred twenty thousand dollars (\$120,000.00); and be it

FURTHER RESOLVED: That plans and specifications prepared by City Engineers of the Public Works Agency for City Project No. C332110 are hereby approved and that the amount of the bond for faithful performance, \$120,000.00 (100% of contract), and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$120,000.00 (100% of contract), with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk and that the City Attorney shall review and approve the contract for form and legality and a copy shall be placed on file in the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~QUAN, REID~~, AND PRESIDENT BRUNNER - 5

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Quan, Reid, Brooks - 3

ATTEST:



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