

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2011 JUL 13 PM 2:57 **RESOLUTION NO. 83497 - C.M.S.**

Introduced by Councilmember \_\_\_\_\_

~~RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE GRANT FUNDS AND TO AWARD CONTRACTS FOR THE PURCHASE OF CONSTRUCTION LABOR AND MATERIALS EXCEEDING \$500,000.00, TO BE EXECUTED DURING THE CITY COUNCIL ANNUAL RECESS OF 2011, AS FOLLOWS:~~

- ~~1. ACCEPT AND APPROPRIATE UP TO \$827,900.00 OF FEDERAL TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATION ACT OF 2010 FUNDS FOR THE LAKE MERRITT IMPROVEMENT PROJECT; AND~~
- ~~2. AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE CONSTRUCTION OF MACARTHUR BOULEVARD IMPROVEMENT PROJECT (PROJECT NO. C167640), OR TO REJECT ALL BIDS IF ALL BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, AND AWARD A CONTRACT ON THE OPEN MARKET IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS, UP TO THE AMOUNT OF \$5,075,351.00; AND~~
- ~~3. AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE INSTALLATION OF NEW AND MODIFIED TRAFFIC SIGNALS AT VARIOUS LOCATIONS (PROJECT NOS. C313710, C318210, C316210), OR TO REJECT ALL BIDS IF ALL BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, AND AWARD A CONTRACT ON THE OPEN MARKET IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS, UP TO THE AMOUNT OF \$800,000.00; AND~~
- ~~4. AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE SAFE ROUTES TO SCHOOLS, CYCLE 7 PROJECT (PROJECT NO. C357010), OR TO REJECT ALL BIDS IF ALL BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, AND AWARD A CONTRACT ON THE OPEN MARKET IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS, UP TO THE AMOUNT OF \$600,000.00; AND~~
- ~~5.1. AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE BROADWAY INTELLIGENT TRANSPORTATION SYSTEMS (ITS) (PROJECT NO. C270210), OR TO REJECT ALL BIDS IF ALL BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, AND AWARD A CONTRACT ON~~

~~THE OPEN MARKET IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS, UP TO THE AMOUNT OF \$800,000.00~~

~~WHEREAS~~, Federal, State and local grant agencies and Oakland City Council Rules of Procedure (Resolution No. 82580 C.M.S.), Rule 21, require the Council to authorize the City Administrator to accept and appropriate funds for which the City of Oakland has applied, and Council Rules of Procedure Rule 21 and Oakland Municipal Code Section 2.04.016 require the Council to authorize acceptance of grant funds; and

~~WHEREAS~~, there are Federal Transportation, Housing And Urban Development And Related Agencies Appropriation Act Of 2010 Funds that may become available to Oakland and that may require acceptance during the Council recess, which may be negatively impacted if not accepted in a timely manner; and

~~WHEREAS~~, Oakland Municipal Code Section 2.04.020 sets purchase approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of construction labor and materials; and

~~WHEREAS~~, for construction contracts exceeding fifty thousand dollars Oakland Municipal Code section 2.04.050.A and E require staff to advertise a notice inviting bids in the City's Official Newspaper and award, if made, to the lowest responsible, responsive bidder; and

~~WHEREAS~~, Oakland Municipal Code section 2.04.050.J authorizes the City Administrator to purchase bid services or supplies on the open market if no valid bids were received after advertising as required by Oakland Municipal Code section 2.04.050.A; and

~~WHEREAS~~, the City Council finds that any contracts for services that are described herein are of a professional, scientific, technical and temporary nature 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

~~WHEREAS~~, for the construction agreements identified herein the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of the construction agreements identified herein are in the public interest because of economy; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to accept and appropriate Transportation, Housing And Urban Development And Related Agencies Appropriation Act Of 2010 Funds for the Lake Merritt Improvement Project; and

**FURTHER RESOLVED:** That the City Administrator may take any other actions required, including but not limited to executing grant and related agreements, to accept and appropriate said grant funds; and be it

~~**FURTHER RESOLVED:** That the City Administrator is hereby authorized to, during the 2011 Council Summer Recess, award contracts for the purchase of construction labor and materials, or to reject all bids if all bids are deemed non-responsive or non-responsible and award a contract on the open market in accord with the project plans and specifications, as follows:~~

~~**Contract for Construction of MacArthur Boulevard Improvement Project (Project No. C167640)**~~

- ~~• A contract for the Construction Of MacArthur Boulevard Improvement Project (Project No. C167640) may be awarded the lowest, responsive, responsible bidder in accord with the project plans and specifications in an amount up to \$5,075,351.00, or~~
- ~~• All bids may be rejected if no viable bids are submitted (all are deemed non-responsive or non-responsible) or are over the engineer's estimate, and a contract for this project may be awarded on the open market in accord with the project plans and specifications in an amount up to \$5,075,351.00; and~~

~~**Contract for Installation of New and Modified Traffic Signals at Various Locations (Project Nos. C313710, C318210, C316210)**~~

- ~~• A contract for the Installation Of Traffic Signals at Various Locations (Project Nos. C313710, C318210, C316210) may be awarded the lowest, responsive, responsible bidder in accord with the project plans and specifications in an amount not to exceed \$800,000.00, or~~
- ~~• All bids may be rejected if no viable bids are submitted (all are deemed non-responsive or non-responsible) or are over the engineer's estimate, and a contract for this project may be awarded on the open market in accord with the project plans and specifications in an amount up to \$800,000.00; and~~

~~**Contract for the Safe Routes to Schools, Cycle 7 Project (Project No. C357010)**~~

- ~~• A contract for the Safe Routes to Schools, Cycle 7 Project (Project No. C357010) may be awarded the lowest, responsive, responsible bidder in accord with the project plans and specifications in an amount not to exceed \$600,000.00, or~~
- ~~• All bids may be rejected if no viable bids are submitted (all are deemed non-responsive or non-responsible) or are over the engineer's estimate, and a contract~~

for this project may be awarded on the open market in accord with the project plans and specifications in an amount up to \$600,000.00; and

**Contract for the ~~Broadway Intelligent Transportation Systems (ITS) (Project No. C270210)~~**

- ~~• A contract for the Broadway Intelligent Transportation Systems (ITS) (Project No. C270210) may be awarded the lowest, responsive, responsible bidder in accord with the project plans and specifications in an amount not to exceed \$800,000.00, or~~
- ~~• All bids may be rejected if no viable bids are submitted (all are deemed non-responsive or non-responsible) or are over the engineer's estimate, and a contract for this project may be awarded on the open market in accord with the project plans and specifications in an amount up to \$800,000.00; and be it~~

**FURTHER RESOLVED:** ~~That businesses awarded the above-described contracts shall provide performance and payment bonds for 100% of the contract amount awarded; and be it~~

**FURTHER RESOLVED:** ~~That businesses awarded the above-described contracts shall comply with the City's purchasing and construction policies, including but not limited to, local and small, local business participation, local hiring, prevailing wages and Equal Benefits; and be it~~

**FURTHER RESOLVED:** That the City Attorney shall approve all contracts approved hereunder as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

**JUL 19 2011**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

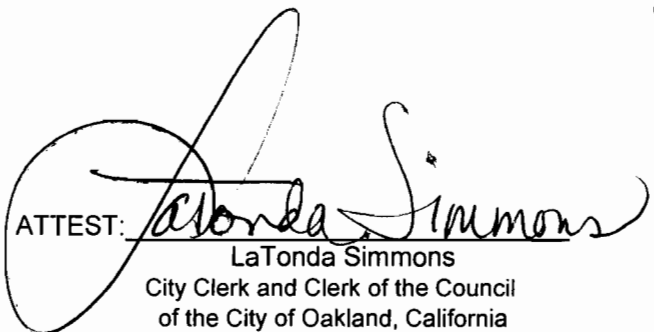
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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