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Approved as to form and legality

Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 82765 C.M.S

### RESOLUTION:

1) REJECTING BIDS DATED APRIL 8, 2010 SUBMITTED FOR THE DEMOLITION OF 18 BUILDINGS LOCATED AT 9020-9036 BARCELONA STREET AND 4000-4009 SANTA CRUZ STREET AT THE FORMER OAK KNOLL NAVAL HOSPITAL COMPLEX; AND

2) AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT ADDITIONAL BIDS IN ACCORDANCE WITH THE ALTERNATIVE COMPETITIVE BIDDING PROCESS AS APPROVED UNDER RESOLUTION NO. 82574 C.M.S., WHICH DISPENSED WITH ADVERTISING AND AUTHORIZED SOLICITATION OF BIDS FROM LOCAL, QUALIFIED CONTRACTORS, AND TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN AN AMOUNT NOT-TO-EXCEED \$180,000, WITHOUT RETURNING TO THE CITY COUNCIL; AND

3) IF THE ADDITIONAL BIDS EXCEED THE ENGINEER'S ESTIMATE, ARE NON-RESPONSIVE OR NON-RESPONSIBLE, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT ON THE OPEN MARKET IN AN AMOUNT NOT-TO-EXCEED \$198,000, WITHOUT RETURNING TO THE CITY COUNCIL

WHEREAS, City Resolution No. 82574 C.M.S. authorized 1) dispensing with advertising and authorizing an alternative competitive bidding process for the contract for demolition of 18 buildings located at 9020-9036 Barcelona Street and 4000-4009 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex, according to plans and specifications for the Oak Knoll Demolition Project and 2) the City Administrator to award the contract to the lowest responsive, responsible bidder without returning to the City Council in an amount not-to-exceed the Engineer's Estimate of \$180,000 for said demolition work; and

WHEREAS, staff conducted an alternative bid process, soliciting bids from qualified contractors that are also certified Local Business Enterprises and received only two bids that exceed the engineer's estimate of \$180,000; and

**WHEREAS**, the City must expeditiously procure the services of a qualified demolition contractor to ensure that the buildings are removed prior to the summer to mitigate the danger posed to surrounding neighborhoods from wildfires, which can be set by vagrants occupying the structures; and

**WHEREAS**, Oakland Municipal Code section 2.04.050.I.5, authorizes the City Council to dispense with the advertising and bidding process required under Oakland Municipal Code section 2.04.050.A upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, the City Administrator has determined that the City lacks the equipment and qualified personnel to perform the necessary work and the City Administrator has determined that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Administrator has determined 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; and

**WHEREAS**, the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action is exempt from CEQA and that each of the following provisions of the CEQA Guidelines (which is not an inclusive list) provides an independent basis for such finding: Section 15330 (actions taken to prevent, minimize, stabilize mitigate the release/threatened release of hazardous waste or hazardous substances), Section 15308 (actions for the protection of the environment), Section 15307 (actions for the protection of natural resources), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; now, therefore, be it

**RESOLVED:** That pursuant to Oakland Municipal Code section 2.04.050.I.5 and the reasons stated above in the City Administrator's report accompanying this resolution, the City Council hereby finds that it is in the best interests of the City to dispense with advertising, and does so, with respect to the contract for the Oak Knoll Demolition project (demolition of 18 buildings located at 9020-9036 Barcelona Street and 4000-4009 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to solicit bids from qualified contractors that are also certified Local Business Enterprises (in accordance with the alternative bidding process approved under Resolution No. 82574 C.M.S.) for the Oak Knoll Demolition project (demolition of 18 buildings located at 9020-9036 Barcelona Street and 4000-4009 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex), and to award a construction contract for said project to the lowest responsive, responsible bidder in an amount not-to-exceed \$180,000 without returning to the City Council; and be it

**FURTHER RESOLVED:** That if the additional bids are over the engineer's estimate, non-responsive or non-responsible, the City Administrator is authorized to negotiate and award a construction contract on the open market in an amount not-to-exceed \$198,000, without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Council hereby rejects bids dated April 8, 2010 received for the Oak Knoll Demolition project (demolition of 18 buildings located at 9020-9036 Barcelona Street and 4000-4009 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex), according to plans and specifications for the project; and be it

**FURTHER RESOLVED:** That based on the City Administrator's representations stated above, the City Council finds and determines that these contracts are of a technical and temporary nature, shall not result in the loss of employment or salary by any person having permanent status in the competitive service, and are in the public interest because of economy or better performance; and be it

**FURTHER RESOLVED:** That the Contractors shall provide good and sufficient performance and payment bonds for one hundred percent of their contract price; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specification; and be it

**FURTHER RESOLVED:** That the project is exempt from CEQA, as specified above; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to take whatever action is necessary with the respect to the abatement and demolition work in the Oak Knoll Redevelopment Area and the project consistent with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve the contracts authorized hereunder for form and legality and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 18 2010, 2010

**PASSED BY THE FOLLOWING VOTE:**

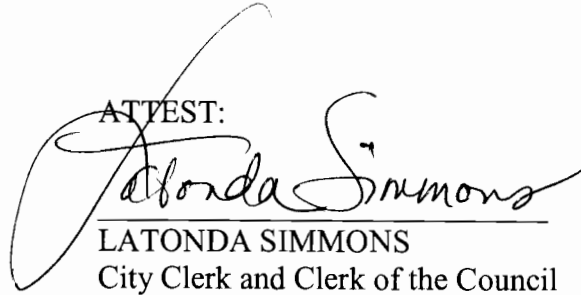
AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT BRUNNER – 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California