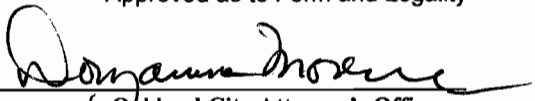


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OFFICE OF THE CITY CLERK
OAKLAND


Oakland City Attorney's Office

2009 APR 16 AM 8:50

OAKLAND CITY COUNCIL

RESOLUTION No. 81957 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER FOR THE PERALTA HACIENDA HISTORICAL PARK – PHASE 3B PROJECT (CITY PROJECT NO. C284510) WITHOUT FURTHER COUNCIL REVIEW OR ACTION, OR, IF NO VALID BIDS ARE RECEIVED, AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS AND AWARD A NEGOTIATED CONTRACT FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT-TO-EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) WITHOUT FURTHER COUNCIL REVIEW OR ACTION

WHEREAS, the City of Oakland intends to make improvements for a new community activity center at the Peralta Hacienda Historical Park as a part of the approved Master Plan implementation; and

WHEREAS, the City of Oakland received grant funds under Proposition 40, California Clean Water, Clean Air, Safe Neighborhood Parks and Costal Protection Act of 2002, Murray-Hayden Grant and the grant completion date is June 2010; and

WHEREAS, on March 26, 2009, bids were received by the Office of the City Clerk of the City of Oakland for the construction of the Peralta Hacienda Historical Park – Phase 3B project (Project No.C284510); and

WHEREAS, if no valid bids are received, for example, all bids are non-responsive, non-responsible or over budget, Oakland Municipal Code Section 2.04.050.J. *No Valid Bids* authorizes the City Administrator to reject all bids and award the contract on the open market; and

WHEREAS, there are sufficient construction funds available for the project in Murray-Hayden grant, Fund No. 2134; Capital Improvement Project Organization No. 92270; Landscape Improvement Account No. 57112 and Construction Contingency Account No. 54011, Program IN06, Project No. C284510 for project construction; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy, that the City lacks the equipment and personnel to perform the necessary work and services and 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 contractor selected will be required to comply with all City of Oakland Contracting Programs, such as LBE/SLBE requirements, etc.; now, therefore, be it

RESOLVED: That if responsive, responsible bids within budget are received, the City Administrator is authorized to award a contract for the construction of the Peralta Hacienda Historical Park – Phase 3B project (Project No.C284510) to the lowest responsive and responsible bidder in accordance with the project plans and specifications and the contractor's bid therefore, dated March 26, 2009, in an amount not-to-exceed five hundred thousand dollars (\$500,000.00) without further Council review or action; and be it

FURTHER RESOLVED: That if no valid bids are received, the City Administrator is authorized to award a negotiated contract for the construction of the Peralta Hacienda Historical Park – Phase 3B project (Project No.C284510) on the open market pursuant to Oakland Municipal Code Section 2.04.050.J. *No Valid Bids* without further Council review or action; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for this project; and be it

FURTHER RESOLVED: That the faithful performance construction bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the construction contract price and due under the Unemployment Insurance Act submitted with respect to such work are provided by the construction contractor and hereby approved; and be it

FURTHER RESOLVED: That all other construction bids are hereby rejected; and be it

FURTHER RESOLVED: That the construction 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 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 5 2009 , 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~RISD~~, and
PRESIDENT BRUNNER – 7


NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid- 1

ATTEST:



La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California