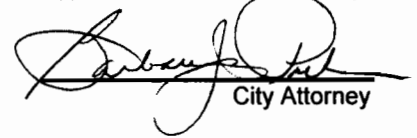


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. 82909 C.M.S.

2010 JUN 30 PM 6:17

Introduced by Councilmember _____

Resolution Authorizing The City/Agency Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2010

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 numerous federal, state or local grants 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 certain supplies, construction labor and materials and \$300,000.00 for professional services contracts; and

WHEREAS, there are three (3) purchases that exceed these expenditure limits that would be ready for approval during the Council recess and may have negative impacts if not timely approved; and

WHEREAS, authorization is sought for the following construction and professional services contracts during the Council Summer Recess:

1. Resolution Awarding A Construction Contract To Mosto Construction, Inc. For The Rehabilitation Of Sanitary Sewers At Easement In Oak Knoll From Sage Road To Saint Andrews Road (Project No. C329112) In Accord With Plans And Specification For The Project And Contractor's Bid In The Amount Of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00);
2. A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Installation Of The Lake Merritt Bird Islands Restoration Project, (Project No. G323110) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$800,000.00 Without Return To Council;
3. A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of The Adeline Street Overhead Project,

(Project Number C319710) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$1,107,000.00 Without Return To Council; And

A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Seventy-Six Thousand Three Hundred Fifty Dollars (\$1,076,350.00) Of Federal Highway Administration (FHWA) – Highway Bridge Program (HBP) Grant Funds Under The California Department Of Transportation Bridge Preventive Maintenance Program (BPMP) For The Rehabilitation Of The Adeline Street Overhead, Between West Oakland, Interstate 880 And The Port Of Oakland, City Project No. C319710;

4. A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Utility Agreement With The State Of California Department Of Transportation For Relocation Of Sanitary Pipes High Street And To Accept And Appropriate Funds From Caltrans Under Utility Agreement No. 1382, In An Amount Of Approximately Three Hundred Thousand Dollars (\$300,000.00); And

WHEREAS, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

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, and services under these agreements will be temporary; and

WHEREAS, the City Council finds and determines that the performance of any of the professional services or construction agreements identified herein shall not result in the loss of employment or salary by any person(s) having permanent status in the competitive service; and

WHEREAS, due to the urgent nature of all projects which may receive funding from the federal American Recovery and Reinvestment Act (ARRA) of 2009 or other granting agency, it may require that the City Administrator accept said federal monies prior to the return of the Council, though no such funds shall be appropriated without the Council's review and approval upon their return in September; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to make grant awards, accept grant funds and take action on the procurement of construction and professional services agreement as set forth herein in the amounts stated; and be it

FURTHER RESOLVED: That the City Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency annual recess agenda process for any contracts authorized hereunder prior to execution of the contract in accordance with the requirements of Rule 21 of the Council's Rules of Procedure Resolution No. 82580, C.M.S.; and be it

FURTHER RESOLVED: That the City Administrator shall, in accordance with the Council's Rules of Procedure, Rule 21, make a full and complete report to the City Council at its first

regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the City Council may make such findings and confirm said actions as may be required; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2010, 20

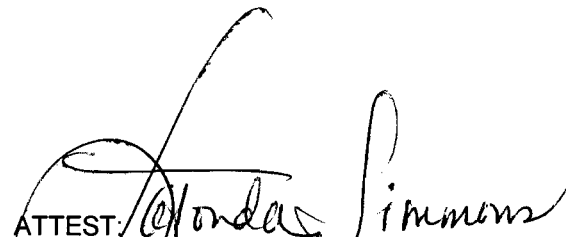
PASSED BY THE FOLLOWING VOTE:

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

