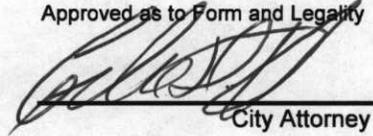


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2014 JUN 26 PM 3:14

RESOLUTION No. 85103 C.M.S.

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

**RESOLUTION TO REJECT ALL BIDS, WAIVE FURTHER COMPETITIVE BIDDING AND AUTHORIZE THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE A CONSTRUCTION CONTRACT WITH ARNTZ BUILDERS, INC. SOLE BIDDER FOR THE GOLDEN GATE RECREATION CENTER IMPROVEMENT PROJECT (NO. C457510) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR AN AMOUNT OF SIX MILLION FIVE HUNDRED SIXTY-THREE THOUSAND AND SEVENTY-NINE DOLLARS (\$6,563,079.00) PLUS THREE HUNDRED THOUSAND (\$300,000.00) CONSTRUCTION CONTRACT CONTINGENCY FOR A TOTAL CONSTRUCTION CONTRACT AMOUNT OF SIX MILLION EIGHT HUNDRED SIXTY-THREE THOUSAND AND SEVENTY-NINE DOLLARS (\$6,863,079.00)**

**WHEREAS**, on November 7, 2006 California voters passed Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act; and

**WHEREAS**, on May 17, 2011 the City Council approved Golden Gate Recreation Center project as one of six projects to apply for Round 2 of this competitive grant in Resolution 83367 C.M.S.; and

**WHEREAS**, in June 2012 the City entered into Agreement with the State of California Department of Parks & Recreation receiving Proposition 84 grant funds for the project; and

**WHEREAS**, in February 2009, City Council received Local Grant Program funds from East Bay Regional Park District Measure WW Bond under Resolution 81777 C.M.S and allocated the funds per Resolution 81586 C.M.S in October 2008; and

**WHEREAS**, in February 2012 City Council authorized the reallocation of \$3,300,000 of Measure WW funds to Golden Gate Recreation Center improvement project under Resolution 83722 C.M.S.; and

**WHEREAS**, this project was advertised on April 10, 2014 and a single bid was received by the Office of the City Clerk on May 12, 2014; and

**WHEREAS**, the bid was deemed non-responsive to the City's LBE/SLBE trucking requirement; and

**WHEREAS**, Section 2.04.050 I.5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that in the best interests of the City; and

**WHEREAS**, rebid of the project would incur additional time and cost that will compress the completion time and possibly affect meeting grant deadlines; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

**WHEREAS**, the City Council finds and determines 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 services; now, therefore, be it

**RESOLVED:** That the City finds and determines that pursuant to Chapter 2.04, Article 1, Section 2.04.050.I (5) of the Oakland Municipal Code that it is in the best interest of the City to waive further competitive bidding; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to negotiate, award and execute a construction contract with Arntz Builders, Inc. for the Golden Gate Recreation Center Improvement Project (C457510) for an amount of Six Million Eight Hundred Sixty-Three Thousand and Seventy-Nine Dollars (\$6,863,079.00) in accordance with the project plans and specifications; and be it

**FURTHER RESOLVED**, That all bids are hereby rejected; and be it

**FURTHER RESOLVED**, That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Oakland Public Works Department for this project; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED**, That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

**FURTHER RESOLVED**, That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, = JUL 15 2014

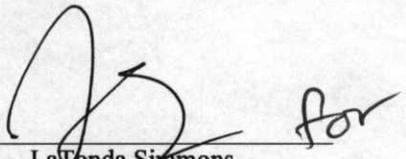
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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