

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 DEC -1 PM 4:06

Approved as to Form and Legality

City Attorney

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 83667 - C.M.S.**

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

**RESOLUTION: 1) REJECTING ALL BIDS; 2) WAIVING FURTHER ADVERTISING AND BIDDING; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIAL ON THE OPEN MARKET, IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS, FOR THE TRAFFIC SIGNAL INSTALLATIONS AND MODIFICATIONS PROJECT (CITY PROJECT NO. C313710), IN AN AMOUNT NOT TO EXCEED EIGHT-HUNDRED AND FIFTY-FIVE THOUSAND DOLLARS (\$855,000.00)**

**WHEREAS**, on January 13, 2011 and June 30, 2011, a total of five bids were received by the Office of the City Clerk of the City of Oakland for the construction contract for Traffic Signal Installation and Modifications Project (City Project No. C313710); and

**WHEREAS**, all five bids were either substantially over the project budget and/or were deemed non-responsive, and should therefore be rejected; and

**WHEREAS**, funding of \$855,000 for the construction contract and an additional \$68,000 for contingencies is available from four funding sources, as follows:

- \$373,000.00: Traffic Signal (C313710); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$200,000.00: Traffic Signal Pedestrian Program (C318210); Measure B Fund (2212); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$200,000.00: Hazard Elimination Program (C316210); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$150,000.00: Hazard Elimination Program (C371010); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011); and

**WHEREAS**, the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of this contract because the bid process did not render any bids within the available budget and further bidding is likely to yield the same or similar results; and

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

**WHEREAS**, the City Administrator has determined that this contract is of a temporary and technical nature and 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 Council hereby rejects all bids as they are either in excess of the project budget or non-responsive; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.J and for the reasons stated above, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements and hereby does so; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is authorized to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the construction of the Traffic Signal Installations and Modifications Project (City Project No. C313710) on the open market in an amount not to exceed eight hundred and fifty-five thousand dollars (\$855,000.00); and be it

**FURTHER RESOLVED:** That the negotiated contract will require the contractor to meet the City's local business and employment program requirements; and be it

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

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Traffic Signal Installations and Modifications Project (City Project Nos. C313710); and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 20 2011, 20  

**PASSED THE FOLLOWING VOTE:**

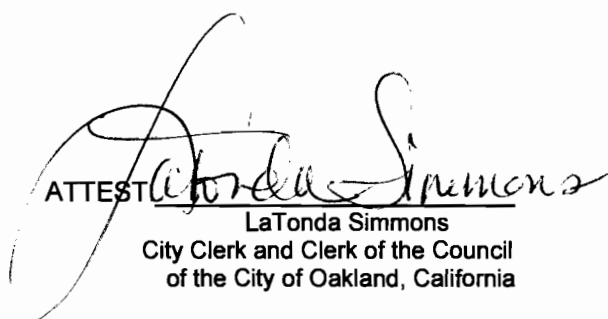
AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND  
PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



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