

OAKLAND CITY COUNCIL

78173

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No: \_\_\_\_\_ C.M.S.

2003 OCT 16 PM 3:15

REQUIRES TWO-THIRDS VOTE

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RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH THE JOAQUIN MILLER PARK CASCADE LANDSCAPING PROJECT, PROJECT NO. C197230, AND CONTRACTOR'S FIRM, FIXED BID FOR AN AMOUNT NOT TO EXCEED THE CITY'S ENGINEER'S ESTIMATE, NINETY ONE THOUSAND DOLLARS (\$91,000), OR, IF INITIAL BIDS ARE NON-RESPONSIVE AND/OR NON-RESPONSIBLE, AUTHORIZING THE CITY MANAGER TO REJECT ALL SUCH BIDS AND RE-BID AND/OR NEGOTIATE A CONTRACT, AND AWARD A CONSTRUCTION CONTRACT FOR SAID PROJECT WITHOUT RETURN TO CITY COUNCIL

**WHEREAS**, construction documents for the Joaquin Miller Park Cascade Landscaping, project No. C197230, have been prepared and construction bids are due on October 27, 2003 by the Office of the City Clerk of the City of Oakland; and

**WHEREAS**, there are sufficient funds in the project budget for work, and the project budget includes (\$100,000) for the construction work, and the engineer's estimate for the work is (\$91,000); and

**WHEREAS**, the City desires to complete the work before the next Cascade event reservation season begins in spring 2004; and

**WHEREAS**, the project is designated in the Capital Improvement Plan for FY2002-2003, and funding exists in Fund 5500 (Municipal Capital Improvement), Organization No. 92110, Project C197230, and in Fund 5500 (Council Discretionary Fund, District 4); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that services under this contract will be temporary; 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 Council hereby authorizes the City Manager, or her designee, to award a construction contract for the Joaquin Miller Park Cascade Landscaping Improvement, Project No. C197230 to the lowest, responsible, and responsive bidder, in accordance with the

terms of the City's Notice Inviting Bids for said project and contractor's bid in an amount not-to-exceed the City's Engineer's estimate which is ninety one thousand dollars (\$91,000) and to reject all other bids; and, be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance of 100% and the amount for a bond to guarantee payment of all claims for labor and materials of 100% furnished and for the amount due under the Unemployment Insurance Act with respect to such work accompanied to the said bid is hereby approved; and be it

**FURTHER RESOLVED:** That if the initial bids are non-responsive and/or non-responsible, the City Manager is authorized to reject all bids, re-bid and/or negotiate a contract, and award a construction contract on behalf of the City of Oakland for this project without return to the City Council; and, be it

**FURTHER RESOLVED:** That the City Manager, or her designated representative, is hereby authorized to enter into a contract with the lowest, responsible, and responsive, on behalf of the City of Oakland and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all documents shall be reviewed and approved for form and legality by the City Attorney and placed on file with the City Clerk; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 04 2003, 2003

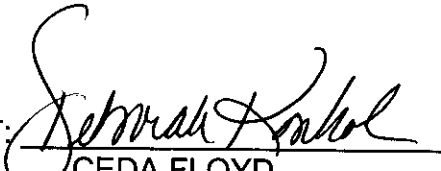
PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND PRESIDENT DE LA FUENTE -8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:   
CEDRA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California