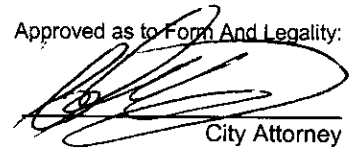


2007 MAR 15 PM 2:04

Approved as to Form And Legality:



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 80502 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A NEGOTIATED CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR THE BUSHROD PARK STREETScape IMPROVEMENTS (PROJECT NO. B00520) FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000.00)

WHEREAS, the project work consists of an 8-ft. wide entry stair into Bushrod Park, an addition of eighteen mature street trees along the western front of Bushrod Park, a new plaza at the crest of the hill, lighting, signage and other site amenities and thereby improves pedestrian safety and mobility for the community while increasing the use of the western portion of North Oakland's largest City park; and

WHEREAS, the project provides sustainable opportunities to the local economy, environment and social equity for the City of Oakland which meet FY 2005/07 Goals and Objectives of City Council and Mayor, Develop a Sustainable City 1B, and Build Community and Foster Livable Neighborhoods 2C and 2D in that they reduce blight, improve and upgrade the pedestrian amenities and pedestrian safety, and meet the federal Americans with Disabilities Act requirements; and

WHEREAS, on July 12, 2006, advertisement of the project to solicit bids was placed in the Oakland Tribune and San Francisco Chronicle newspapers, and Notices to Bidders were sent to all contractors holding an "A" License in the City's database and the Daily Pacific Builder; and

WHEREAS, on August 7, 2006, the City received two bids, one from Astro Astro Construction which was initially the lowest responsible bidder. However, Astro Construction failed to produce the required bonds in the specified time and were deemed non responsive.

WHEREAS, the other received bid from Beliveau Engineering Contractors, Inc. was significantly over the engineer's estimate and the available budget and, therefore, deemed not valid; and

WHEREAS, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract for the Bushrod Streetscape Improvement Project was successfully negotiated with Beliveau Engineering in an amount not to exceed \$330,000.00; and

WHEREAS, Beliveau Engineering has met and exceeded the 20% City contract requirements for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE); and

WHEREAS, there are sufficient funds available in the project budget to cover the project costs including the construction contract ten (10%) percent contingency, design support and construction management costs for the project; and

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

WHEREAS, sufficient funding to award this contract and complete the project are currently appropriated in the ACTIA Fund (2211), Downtown and Gateway Street Project (G264810) and in the Municipal Capital Improvement Fund (5500), District One Pay go – Bushrod-Edge Park Project (B00520); 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 Administrator is authorized to award a negotiated contract to the most responsible bidder, Beliveau Engineering Contractors, Inc., in accordance with the City Council award set forth above for an amount not to exceed Three Hundred Thirty Thousand Dollars (\$330,000.00); 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 is one hundred percent (100%) of the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, equal to the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That all bids previously received for the Bushrod Park Streetscape Improvements (Project No. B00520) are hereby rejected; 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.

N COUNCIL, OAKLAND, CALIFORNIA, APR 3 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, ~~NADOL~~, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Nadel - 1

ATTEST:



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