

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. 78354 = C.M.S.

2004 JAN 29 PM 1:02

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



**RESOLUTION AMENDING RESOLUTION NO. 78202, C.M.S., WHICH AUTHORIZED THE SPANISH SPEAKING UNITY COUNCIL (“UNITY COUNCIL”) TO DEVELOP, DESIGN, AND MANAGE SOIL REMEDIATION AND CONSTRUCTION OF IMPROVEMENTS, TO FURTHER AUTHORIZE THE CITY MANAGER TO EXECUTE REMEDIATION AND OTHER CONSTRUCTION AGREEMENTS WITH CONTRACTORS SELECTED BY UNITY COUNCIL FOR THE UNION POINT PARK PROJECT IN AN AMOUNT NOT TO EXCEED THE PROJECT CONSTRUCTION BUDGET, SAID AMOUNT TO BE DETERMINED BY UNITY COUNCIL AND SHALL NOT EXCEED AVAILABLE TOTAL PROJECT FUNDS OF EIGHT MILLION SIX HUNDRED EIGHTY-FOUR THOUSAND DOLLARS (\$8,684,000).**

**WHEREAS**, the City contracted with Spanish Speaking Unity Council (Unity Council) in October, 2000, to develop and design improvements and to prepare soil remediation plans and specifications; and

**WHEREAS**, in November 18, 2003, the Council approved a further agreement to authorize Unity Council to complete development and design work, complete preparation of plans and specifications for construction of improvements, advertise and bid soil remediation and construction of improvement work, to analyze bids and select remediation and construction contractors and to manage and administer contracts for remediation and construction of improvements; and

**WHEREAS**, public entities are required under state law to enter into direct contracts with licensed general contractors for remediation and construction of improvements, the Unity Council is not a licensed construction contractor, therefore, the City will execute the remediation and construction agreements; and

**WHEREAS**, the Unity Council has agreed to advertise, bid and analyze said construction contracts in accord with the City’s advertising, bidding and contract program requirements including, but not limited to, Local Business Enterprise and Small Local Business Enterprise, and Unity Council will select and recommend award to the lowest responsive, responsible bidders; and

**WHEREAS**, it may be necessary to reject and rebid or negotiate remediation and construction contracts to meet grant fund deadlines and keep the project on schedule; and

**WHEREAS**, Unity Council has agreed that rejection and rebidding or negotiated contracts, if necessary, will be done in accord with City’s contracting procedures which provide for rejection of bids and rebidding or negotiation if the bids are over the budget or no valid bids are received or if further bidding will be impracticable, unavailing or impossible; and

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

**WHEREAS**, the City Council finds and determines that the performance of the remediation and construction contracts is in the public interest because of economy or better performance; and

**WHEREAS**, the City Council finds and determines that the performance of contracts hereunder 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 Manager is hereby authorized to execute remediation and construction agreements with contractors selected by the Unity Council for the Union Point Park project to perform work in accord with the City-Unity Council project agreements for remediation and construction of improvements to Union Point Park, in a total amount not to exceed the total Union Point Park project remediation and construction budgets of eight million six hundred eighty four thousand dollars (\$8,684,000.00), without return to the City Council; and, be it

**FURTHER RESOLVED:** That to meet grant deadlines and keep the project on schedule, the City Manager is hereby authorized to reject all bids deemed non-responsive, non-responsible, invalid or over the budget by the Unity Council per the City's regulations and programs, and to enter into remediation and construction agreements that have been rebid or negotiated by Unity Council, with contractors selected by Unity Council, without return to Council; and, be it

**FURTHER RESOLVED:** That said remediation and construction contracts executed by the City Manager, hereunder, shall first be reviewed and approved by the City Attorney for form and legality; and, be it

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**FURTHER RESOLVED:** That the approval of this resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 17 2004, ~~2004~~

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

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