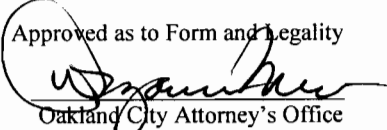


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 FEB 10 AM 10:02

Approved as to Form and Legality  
  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 82574 C.M.S

---

### A RESOLUTION:

1) DISPENSING WITH ADVERTISING AND AUTHORIZING AN ALTERNATIVE COMPETITIVE BIDDING PROCESS FOR THE CONTRACT FOR DEMOLITION OF 18 BUILDINGS LOCATED AT 4000-4009 BARCELONA STREET AND 9020-9036 SANTA CRUZ STREET AT THE FORMER OAK KNOLL NAVAL HOSPITAL COMPLEX, ACCORDING TO PLANS AND SPECIFICATIONS FOR THE OAK KNOLL DEMOLITION PROJECT, AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD THE CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER WITHOUT RETURNING TO THE CITY COUNCIL IN AN AMOUNT NOT-TO-EXCEED THE ENGINEER'S ESTIMATE OF \$180,000 FOR SAID DEMOLITION WORK; AND

2) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF OAK KNOLL REDEVELOPMENT FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT-TO-EXCEED \$235,830 FOR ALL COSTS ASSOCIATED WITH THE DEMOLITION OF 18 BUILDINGS LOCATED AT 4000-4009 BARCELONA STREET AND 9020-9036 SANTA CRUZ STREET AT THE FORMER OAK KNOLL NAVAL HOSPITAL COMPLEX

WHEREAS, the Redevelopment Agency owns 5.45 acres of property within the 181 acre Oak Knoll Redevelopment Project Area (comprised of the former Oak Knoll Naval Hospital Complex); and

WHEREAS, the Redevelopment Agency property contains 18 abandoned, blighted and unusable housing units located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street that present public safety concerns for the surrounding neighborhood; and

WHEREAS, the Redevelopment Agency and the City wish to alleviate the blight, hazardous and unsafe conditions caused by the deterioration of the 18 units ; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City activities in further of the Agency's redevelopment goals and associated City staff costs; and

**WHEREAS**, Section 33420 of the California Health and Safety Code authorizes a Redevelopment Agency to pay for the clearance of buildings, structures, or other improvements on any Agency-acquired land; and

**WHEREAS**, on May 20, 2008, the Agency Board adopted Resolution No. 2008-0042 C.M.S. authorizing the use of Agency funds for as-needed environmental services with several competitively selected firms, including AECOM USA, Inc. (formerly ENSR Corporation) and SCA Environmental, Inc., which will perform the hazardous materials abatement and monitoring components of the Oak Knoll Demolition Project; and

**WHEREAS**, the City must expeditiously procure the services of a qualified demolition contractor to ensure that the buildings are removed prior to the summer to mitigate the danger posed to surrounding neighborhoods from wildfires, which can be set by vagrants occupying the structures; and

**WHEREAS**, to expedite the work, City staff will solicit bids from three (3) certified Local Business Enterprises (LBEs) qualified to do the work and the City Administrator will award the work to the lowest, responsible, responsive bidder; and

**WHEREAS**, Oakland Municipal Code section 2.04.050.I.5, authorizes the City Council to dispense with the advertising and bidding process required under Oakland Municipal Code section 2.04.050.A upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action is exempt from CEQA and that each of the following provisions of the CEQA Guidelines (which is not an inclusive list) provides an independent basis for such finding: Section 15330 (actions taken to prevent, minimize, stabilize mitigate the release/threatened release of hazardous waste or hazardous substances), Section 15308 (actions for the protection of the environment), Section 15307 (actions for the protection of natural resources), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; now, therefore, be it

**RESOLVED:** That pursuant to Oakland Municipal Code section 2.04.050.I.5 and the reasons stated above in the City Administrator's report accompanying this resolution, the City Council hereby finds that it is in the best interests of the City to dispense with advertising and to authorize the alternative competitive bidding process used by staff to select a contractor for the Oak Knoll Demolition project (demolition of 18 buildings located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street at the former

Oak Knoll Naval Hospital Complex), according to plans and specifications for the project, and so waives advertising and authorizes an alternative bidding process; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award the contract for the Oak Knoll Demolition project (demolition of 18 buildings located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex) to the lowest responsive, responsible bidder in the alternative bidding process in an amount not to exceed the engineer's estimate of \$180,000 for said demolition work without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes dispensing with advertising and authorizing an alternative competitive bidding process for the contract for demolition of 18 buildings located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street at the former Oak Knoll Naval Hospital Complex, according to plans and specifications for the Oak Knoll Demolition project, and authorizing the City Administrator to award the contract to the lowest responsive, responsible bidder without returning to the City Council in an amount not to exceed the engineer's estimate of \$180,000 for said demolition work; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to accept a contribution in an amount not-to-exceed \$235,830 from the Redevelopment Agency's Oak Knoll Redevelopment Project Area Tax Increment Funds (9546) under the Cooperation Agreement to be used to cover all City staff and contract procurement costs and external demolition contracting costs related to the demolition of the 18 units located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street in the Oak Knoll Redevelopment Project Area; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate such funds to the Oak Knoll Project (P331910) and an amount not-to-exceed \$235,830 will be deposited into the City's Oakland Redevelopment Agency Fund (7780), under Project Number to be established; and be it

**FURTHER RESOLVED:** That the City Council approves the plans and specifications for the removal of hazardous materials at and demolition of 18 units located at 4000-4009 Barcelona Street and 9020-9036 Santa Cruz Street in the Oak Knoll Redevelopment Project Area prepared by the Directors of Public Works and CEDA Design, Engineering and Construction; and be it

**FURTHER RESOLVED:** That based on the City Administrator's representations stated above, the City Council finds and determines that these contracts are of a technical and temporary nature, shall not result in the loss of employment or salary by any person having permanent status in the competitive service, and are in the public interest because of economy or better performance; and be it

**FURTHER RESOLVED:** That the Contractors shall provide good and sufficient performance and payment bonds for one hundred percent of their contract price; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specification; and be it

**FURTHER RESOLVED:** That the project is exempt from CEQA, as specified above; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to take whatever action is necessary with the respect to the abatement and demolition work in the Oak Knoll Redevelopment Area and the project consistent with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That the City Clerk shall post notice of the contract awards made hereunder, City Attorney shall approve the contracts authorized hereunder for form and legality and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010, 2010

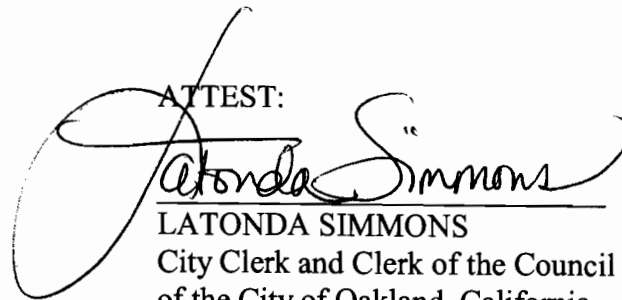
**PASSED BY THE FOLLOWING VOTE:**

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:  
  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California