


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81493 C.M.S.

Introduced by Councilmember _____

Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2008 As Follows:

1. **Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With ~~Provider To Be Determined In Amounts To Be Determined~~ Regina Benoit In An Amount Not To Exceed \$56,115, Mada Hudson And Frida Stowe In Amounts Not To Exceed \$48,375, Martha Rebollo In An Amount Not To Exceed \$69,660, And Valerie Hamilton In An Amount Not To Exceed \$74,820, For An Aggregate Amount Not To Exceed \$365,930, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount Not To Exceed \$365,930, And For A Two-Year Total ~~To Be Determined~~ Not To Exceed \$731,860;**
2. **Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2008-2009;**
3. **Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Amount ~~To Be Determined~~ Of \$1,138,896 For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount ~~To Be Determined~~ Of \$119,884 To Fund Child Development And Family Literacy Services In Accord With Said Grants;**
4. **Resolution Authorizing The City Administrator On Behalf Of The City Of Oakland To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2008-2009 From The State Of California Department Of Education In The Amount Of One Hundred Nine Thousand Six Hundred Twenty Three Dollars (\$109,623.00) For The City Of Oakland San Antonio Even Start Program;**

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5. **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. "To Be Determined") To The Lowest, Responsible And Responsive Bidder/Contractor "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council;**
6. **Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00);**
7. **Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To MACTECH Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each;**
8. **Resolution Awarding A Contract To The Lowest Responsible, Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curran Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00);**
9. **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsive And Responsible Bidder "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00);**
10. **Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept, And Appropriate Grant Funds From The Roberti-Z'berg-Harris Urban Open Space And Recreation Program Under The Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 In The Amount Of Two Hundred Fifty-Thousand Dollars (\$250,000.00) To The Montclair Park Pathway Improvement Project From The Laurel Park Acquisition/Development Project;**

11. **Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From The Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; And**
12. **Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. "To Be Determined") To The Lowest, Responsible And Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00)**

WHEREAS, Federal, State and local grant agencies and Oakland City Council Rules of Procedure (Ordinance No. 79006 C.M.S.), Rule 21, require the Council to authorize the City Administrator to apply for, accept and appropriate grant funds on behalf of the City of Oakland, and Council Rules of Procedure Rule 21 and Oakland Municipal Code Section 2.04.016 requires the Council to authorize award/disbursal of grant funds to applicants; and

WHEREAS, there are numerous federal, state or local grants available to Oakland that will be ready for and require acceptance and appropriation, and grant awards that will be ready for disbursal to applicants, during the Council recess that may be negatively impacted if not timely accepted, appropriated and awarded/disbursed; and

WHEREAS, the following authorizations are sought for grant acceptance, appropriation and disbursal during the Council Summer Recess:

1. Resolutions Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With ~~Provider—To Be Determined In Amounts To Be Determined~~ Regina Benoit In An Amount Not To Exceed \$56,115, Mada Hudson And Frida Stowe In Amounts Not To Exceed \$48,375, Martha Rebollo In An Amount Not To Exceed \$69,660, And Valerie Hamilton In An Amount Not To Exceed \$74,820 For An Aggregate Amount Not To Exceed \$365,930, For Head Start Family Child Care Services For Program Year 2008-2009, Contingent Upon Receipt Of Grant Funding, Authorizing The City Administrator To Extend Grant Funding Of Each Grant Agreement For One Additional Year In An Additional Aggregate Amount Not To Exceed \$365,930, ~~And For A Two-Year Total To Be Determined Not To Exceed \$731,860~~,
2. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2008-2009,
3. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The California State Preschool Expansion Grant From The California Department Of Education In An Amount ~~To Be Determined~~ Of \$1,138,896

For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount ~~To Be Determined~~ Of \$119,884 To Fund Child Development And Family Literacy Services In Accord With Said Grants,

4. Resolution Authorizing The City Administrator On Behalf Of The City Of Oakland To Accept And Appropriate The Even Start Family Literacy Grant For Program Year 2008-2009 From The State Of California Department Of Education In The Amount Of One Hundred Nine Thousand Six Hundred Twenty Three Dollars(\$109,623.00) For The City Of Oakland San Antonio Even Start Program,
5. Resolution Authorizing The City Administrator, Or Her Designee, To Apply For, Accept, And Appropriate Grant Funds From The Roberti-Z'berg-Harris Urban Open Space And Recreation Program Under The Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 In The Amount Of Two Hundred Fifty-Thousand Dollars (\$250,000.00) To The Montclair Park Pathway Improvement Project From The Laurel Park Acquisition/Development Project,
6. Resolution Authorizing The City Administrator, Or Her Designee To Appropriate Two Hundred Fifty-Thousand Dollars (\$250,000.00) From Joint Power Finance Authority (JPFA) Capital Project Series 2005 Fund (No. 5200) From The Montclair Park Project To The Laurel Park Acquisition/Development Project; and

WHEREAS, Oakland Municipal Code Section 2.04.020 sets contract approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of certain supplies, construction labor and materials and \$300,000.00 for professional services contracts; and

WHEREAS, there are six (6) contracts that exceed these expenditure limits that would be ready for approval during the Council recess and may have negative impacts if not timely approved; and

WHEREAS, the following authorizations are sought for construction and professional services contracts during the Council Summer Recess:

1. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Oakland Police Department Locker Room Improvements Project (Project No. "To Be Determined") To The Lowest, Responsible And Responsive Bidder/Contractor "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed The Project Budget Of One Million Two Hundred Ninety-Seven Thousand Dollars (\$1,297,000.00), Or If All Bids Are Non-Responsive Or Otherwise Invalid, To Reject All Bids And Negotiate A Contract On The Open Market Within Budget Without Return To Council,

2. Resolution Waiving The Request For Proposal Process And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. For The 12th Street Reconstruction Project To Add Design And Engineering Services And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00),
3. Resolution Authorizing The City Administrator Or Her Designee To Award Two (2) Professional Services Agreements For As-Needed Hydrology And Civil Engineering Services To MACTECH Engineering And Consulting, Inc., And Philip Williams Associates, Ltd., For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each,
4. Resolution Awarding A Contract To The Lowest, Responsible And Responsive Bidder, Andes Construction, Inc., For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Montana Avenue, Pleitner Avenue, Nicol Avenue, Berline Avenue, And Curran Avenue (Project No. C267210) For An Amount Not To Exceed Two Million Five Hundred Eighty-Seven Thousand Dollars (\$2,587,000.00),
5. Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) To The Lowest, Responsive And Responsible Bidder "To Be Selected" Upon Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand (\$1,900,000.00),
- 6) Resolution Awarding A Construction Contract For The Montclair Park Pathway Improvements Project (Project No. "To Be Determined") To The Lowest Responsible, Responsive Bidder, Bay Construction Company, In The Amount Of Two Hundred Forty One Thousand Five Hundred Dollars (\$241,500.00), and

WHEREAS, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

WHEREAS, for the construction agreements identified herein the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of the construction agreements identified herein is in the public interest because of economy, and services under these agreements will be temporary; and

WHEREAS, the City Council finds and determines that the performance of any of the professional services or construction agreements identified herein shall not result in the loss of employment or salary by any person(s) having permanent status in the competitive service; and

WHEREAS, for the item identified in resolution title number 6 of this resolution (Contract With Rajappan & Meyer Consulting Engineers Inc.), it is in the City's best interests to waive the request for proposal process for the additional work to be added to the contract; and

WHEREAS, the item identified in resolution title number 9 of this resolution (Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610)) will be heard at the Public Works Committee at its regularly scheduled meeting of July 22, 2008, but items heard on that date will not be forwarded to the City Council till September 16, 2008, the first regularly scheduled meeting of the City Council after the Annual Recess of 2008; and

WHEREAS, due to the urgent nature of the resolution to award a construction contract for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail to the lowest responsible bidder/contractor for an amount not to exceed \$1,900,000, it is prudent for the City Council to per-approve authorizing the City Administrator to approve the contract on condition of the Public Works Committee voting to recommend approval of the proposed resolution at its July 22, 2008 regularly scheduled meeting; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to accept, appropriate and disburse grant funds and enter into the grant, construction and professional services agreements set forth herein in the amounts and with any conditions noted; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to approve the contract for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail to the lowest responsible bidder/contractor for an amount not to exceed \$1,900,000, on condition of the Public Works Committee voting to recommend approval of the proposed resolution at its July 22, 2008 regularly scheduled meeting; and be it

FURTHER RESOLVED: That the City Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency annual recess agenda process for any contracts authorized hereunder prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator shall, in accordance with the Council's Rules of Procedure, Rule 21, make a full and complete report to the City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the City Council may make such findings and confirm said actions as may be required; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.051.B and the reasons set forth above, the City Council finds and determines that it is in the City's best interests to waive the Request for Proposal Process for the work to be added to the contract with Rajappan & Meyer Consulting Engineers Inc., identified in resolution title number 6, and so waives the requirement; and be it

FURTHER RESOLVED: That the City Attorney shall approve all contracts as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2008, 20

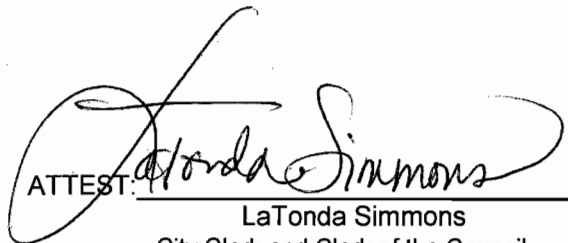
PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

ATTEST: 

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