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OFFICE OF THE CITY CLERK  
OAKLAND

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Approved as to Form and Legality

Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No: 82327 C.M.S.

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

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**RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE CLEVELAND CASCADE REHABILITATION PROJECT (C242116); 2) WAIVING FURTHER COMPETITIVE BIDDING REQUIREMENTS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTEEN THOUSAND DOLLARS (\$216,000.00), WITHOUT RETURN TO THE CITY COUNCIL.**

**WHEREAS**, the renovation of Cleveland Cascade is identified in the Lake Merritt Park Master Plan of July 2002 as a project for implementation and in November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Cleveland Cascade project; and

**WHEREAS**, on May 14, 2009, the City Clerk received three bids for the project and all three bids exceeded the engineer's estimated cost and the project budget; and

**WHEREAS**, funds totaling \$235,000.00 are available for the construction contract and contingency from Measure DD Series A Bond Fund (Fund 5320), Cleveland Cascade Rehabilitation Project (C242116), CIP Project Management Organization (92270); 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 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 Council rejects the bids submitted by Ray's Electric, Beliveau Engineering Contractors, Inc., and Bay Construction as they exceeded the engineer's estimated cost and the project budget; and, be it

**FURTHER RESOLVED:** That the Council finds and determines that it is in the best interests of the City to waive further competitive bidding pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and hereby does so because the first bid process did not render any responsive bid within the available budget and further competitive bidding would delay the project; and, be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is authorized to negotiate and award a construction contract in accord with plans and specifications for the construction of the Cleveland Cascade Rehabilitation Project (C242116) in an amount not-to-exceed two hundred sixteen thousand dollars (\$216,000.00), without return to Council; and, be it

**FURTHER RESOLVED:** The negotiated construction contract will require the contractor to meet all of the City's local business and employment program requirements; and, be it

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Cleveland Cascade Rehabilitation Project (C242116); and, be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, provided that such amendments or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 6 2009, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNNER - 7


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST:

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