

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

C. M. S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

2004 JUN 10 PM 6:33

Requires two-thirds vote of the Council

*R. V. Sierra*

**RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$335,000 TO THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER FOR THE PEDESTRIAN SAFETY PROJECT (CITY PROJECT NO. G232110, CALTRANS PROJECT NO. PSPL-5012(067)), AND REJECT BIDS AND NEGOTIATE IF NECESSARY**

**WHEREAS**, the Pedestrian Safety Project is a state funded project which is consistent with the City Council Goals of **Improve Oakland Neighborhoods** and **Maintain and Enhance Oakland's Physical Assets**; and

**WHEREAS**, the construction contract for the Pedestrian Safety Project consists of the installation of a new traffic signal at the intersection of International Boulevard/69<sup>th</sup> Avenue, and new curb bulb-outs at the intersections of MacArthur Boulevard/39<sup>th</sup> Avenue and MacArthur Boulevard/High Street to improve access and safety for children walking to and from existing elementary and middle schools; and

**WHEREAS**, the project was advertised to solicit bids on May 10, 2004 in the Oakland Tribune, and bids will be received and opened on June 7, 2004 by the Office of the City Clerk; and

**WHEREAS**, a construction contract award deadline of June 30, 2004 required by Caltrans for the Pedestrian Safety Program State Grant makes it necessary to expedite the contract award process by authorizing the City Manager to award and, if necessary, negotiate a contract; and

**WHEREAS**, there are sufficient funds available from the Pedestrian Safety State Grant Fund, Fund Number 2140, Project Number G232110; and Measure B Sales Tax Fund, Fund Number 2210, Project Number G232120 for the construction contract, contingency and construction engineering; 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 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

10.13CC  
ORA/COUNCIL  
JUL 6 2004

~~PUBLIC WORKS CMTE.~~  
JUN 22 2004

**RESOLVED:** That the City Manager, or her designee, is authorized to award a construction contract in an amount not to exceed \$335,000 to the lowest, responsible and responsive bidder for the Pedestrian Safety Project (City Project No. G232110, Federal Project No. PSPL-5012(067)); and be it

**FURTHER RESOLVED:** That, if the initial bids are non-responsive and/or non-responsible, the City Manager, or her designee, is authorized to reject all bids and negotiate and award a construction contract; 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 equal to 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 the City Manager, or her designee, is hereby authorized to execute any amendments or modifications to said contract without further City Council approval, except for increases in the contract amount; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

10.13CC  
CITY COUNCIL  
JUL 6 2004

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

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PUBLIC WORKS CMTE.  
JUN 22 2004