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CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Manager  
Deborah A. Edgerly  
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July 8, 2008

Oakland City Council  
Oakland, California

Chairperson Jean Quan and Members of the Finance and Management Committee:

**RE: 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**

This report describes the process for handling legislative matters during the City Council Annual Recess of 2008 and requests authorization by the City Council to take action on procurement of certain supplies, construction labor and materials exceeding \$500,000 and professional services contracts exceeding \$300,000 during the City Council Annual Recess of 2008.

### **Background**

Resolution No. 79006 C.M.S., adopted in March 2005, establishes the City Council's Rules of Procedures, including procedures for the annual summer recess. The annual recess runs from August 1 through August 31 each year, or until the first meeting in September, as set by the Rules Committee. During the summer recess, the Mayor is authorized to take such actions as would normally be taken by the City Council. In order to implement the provisions of Rules of Procedures resolution, and in compliance with the Sunshine Ordinance, the City Administrator as the Mayor's designee, through the City Clerk, will continue to notice, publish, and post in appropriate locations on Fridays a "two-week agenda" during the recess. Ordinances and reports to Committees will not be processed during the recess and supplemental agendas will not be published.

Further, Chapter 2 [2.04.020-1] of the Oakland Municipal Code authorizes the City Administrator to approve during recess contracts, in any one transaction, pertaining to: (1) supplies and services procurement not exceeding Five Hundred Thousand Dollars (\$500,000), and (2) professional services not exceeding Three Hundred Thousand Dollars (\$300,000). Any action exceeding the contract limits will be subject to ratification by the City Council.

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## **Proposed Authorizations**

There are six (6) 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 disbursement to applicants, during the City Council recess that may be negatively impacted if not timely accepted, appropriated and awarded/disbursed. Staff reports and resolutions regarding the following contracts will appear on the Mayor's Summer Recess agendas.

The following authorizations are sought for grant acceptance, appropriation and disbursement during the City Council Summer Recess:

### **Department of Human Services (1 – 4)**

#### ***Family Child Care Grant Agreements***

- 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, 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 And Two-Year Total To Be Determined**

Selection of these providers requires an extensive application process, including background checks, interviews, home visits, and Head Start Policy Council approval. The program is currently conducting this process. As the Head Start 2008-2009 program year starts on September 2, 2008, these resolutions are needed during the summer recess.

#### ***Child Care Food Program***

- 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 \$375,000 To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2008-2009.**

As the Head Start 2008-2009 program year starts on September 2, 2008, this resolution is needed during the summer recess.

#### ***State Pre-Kindergarten Family Literacy Program***

- 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 For Program Year 2008-2009, And Authorizing A Grant Agreement**

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**With The Unity Council For An Amount To Be Determined To Fund Child Development And Family Literacy Services In Accord With Said Grants**

Staff is waiting word from the state as to how much will be awarded to the program through this grant. That amount will not be known till the state budget is finalized. As the 2008-2009 program year starts on September 2, 2008, this resolution is needed during the summer recess.

***Even Start Family Literacy***

- 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**

Due to the reduction of Even Start Program funding at the federal level, the California Department of Education, Even Start Office, notified DHS at the end of May 2008 that the City of Oakland's San Antonio Even Start Program for 2008-2009 would not be funded. DHS appealed this decision, and staff was notified on Tuesday, June 17<sup>th</sup> that \$109,623 would be offered to the program for 2008-2009. As the program year begins on July 1, 2008, a resolution is needed during Council's Annual Summer Recess.

**Community & Economic Development Agency (5 – 6)**

***Montclair Park Pathway Improvement Project***

- 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) 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) 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;**

The scope of work for Montclair Park Pathway Improvement includes the renovation of pathway, providing accessible path to play areas and picnic area, re-paving of basketball court and circular outdoor classroom and related work.

The RZH Grant is due to expire on June 30, 2009. The state granting agency has set the deadline to submit final reimbursement request(s) by March 31, 2009, to meet the grant liquidation date. To qualify for final reimbursement, the project must be completed by the date of the request and

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open for public use. The grant fund was originally allocated for Laurel Park Acquisition Development. During the past three years, staff from Real Estate Division worked closely with the District 4 Council Office to identify a suitable site for a park in the Laurel District. Unfortunately, no property was purchased due to lack of suitable sites and unsuccessful negotiations with property owners. Given the limited remaining grant duration, the grant fund must be re-appropriated to a project that can be completed to meet the grant deadline. Montclair Park project is ready for construction, requires similar amount of funds for construction, and can be completed within the remaining grant timeline. Approval during recess is necessary to ensure the contract is awarded and construction begins before the onset of the rainy season, in order to complete the project and meet the final reimbursement deadlines. The resolution will authorize staff to swap funding between the state grant and the Joint Power Finance Authority (JPFA) Capital Project funds.

There are six (6) contracts that exceed the City Administrator's expenditure limits that would be ready for approval during the Council recess and may have negative impacts if not timely approved.

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

**Community & Economic Development Agency (1-6)**

- 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 Submitted Are Non-Responsive Or Otherwise Invalid, To Reject All Bids, And Negotiate A Contract On The Open Market Within Budget Without Return To Council,**

The Oakland Police Department is expanding its workforce as part of the Measure Y requirements. This project needs to begin as soon as possible for the proper deployment of the increasing number of sworn staff.

The work involves the renovation and expansion of the Police Department locker rooms (men and women), including the abatement of hazardous materials. The bids are scheduled to be received on June 23, 2008.

- 2. Resolution Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers Inc. To Add Additional Design And Engineering Services For The 12th Street Reconstruction Project And To Increase The Contract By Three Hundred Thousand Dollars (\$300,000.00), For A Total**

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**Contact Amount Not-To-Exceed Five Million Eight Hundred Thousand Dollars  
(\$5,800,000.00)**

Streets and Structures Division was successful in securing \$15M in Grants for the subject project, however, this means that the specifications and plans need to be modified significantly to comply with the Federal Guidelines and the project needs to be advertised in a timely manner. The additional effort will cost approximately \$300,000 and it is most efficient if the current consultant working on the project completes the work.

- 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**

These as-needed design services are needed to provide technical studies, design services and construction support services for various City projects related to creeks, storm drains, wetlands, and Lake Merritt. Typical projects include structural design, hydrology and geomorphology studies, drainage facilities, and other civil engineering related projects.

MACTECH and Phillip Williams were ranked 9 and 10 out of 17 applicants during a full RFP process in 2007. The first 8 consultant teams were awarded contracts at the beginning of this year and are being used by Project Delivery. MACTECH and Phillip Williams will be used by the Watershed and Stormwater Management Program. The contracts must be in place this summer in order to meet immediate design needs for the Lion Creek restoration project.

- 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)**

This sewer rehabilitation project was bid in June 2, 2008. The contractor is only required to hold bid prices for 60 days. Delaying the contract till after the Summer Recess could result in an increase in the contract amount or the need to re-bid the work.

- 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, Responsible 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)**

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Project work includes the construction of a new trail along the waterfront, including pier supported structures and minor street improvements at the end of Derby Avenue and Lancaster Street. Bids opened on June 9; however, staff is still working to determine if the lowest bid is responsible and if the proposed contractor can procure the necessary bonds.

The contractors are not required to hold their bid price for an extended period of time and, since the bids were submitted on June 9<sup>th</sup>, it is prudent to award the construction contract prior to September. In addition, this project is funded from multiple grants which require that the work be completed and the request(s) for reimbursement to be submitted within various deadlines in early 2009. Annual Recess approval of this resolution will provide sufficient time to complete the project within the remaining timeframe.

**NOTE:** This item is scheduled to be discussed at the Public Works Committee (PWC) meeting of July 22, 2008. Due to the urgent nature of this work, staff requests City Council pre-approve this item for adoption during the Annual Recess if the PWC recommends approval of the item at its July 22<sup>nd</sup> meeting.

**6. 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)**

The scope of work for Montclair Park Pathway Improvement includes the renovation of pathway, providing accessible path to play areas and picnic area, re-paving of basketball court and circular outdoor classroom and related work.

The RZH Grant is due to expire on June 30, 2009. The state granting agency has set the deadline to submit final reimbursement request(s) by March 31, 2009, to meet the grant liquidation date. To qualify for final reimbursement, the project must be completed by the date of the request and open for public use. The grant fund was originally allocated for Laurel Park Acquisition Development. During the past three years, staff from Real Estate Division worked closely with the District 4 Council Office to identify a suitable site for a park in the Laurel District. Unfortunately, no property was purchased due to lack of suitable sites and unsuccessful negotiations with property owners. Given the limited remaining grant duration, the grant fund must be re-appropriated to a project that can be completed to meet the grant deadline. Montclair Park project is ready for construction, requires similar amount of funds for construction, and can be completed within the remaining grant timeline. Approval during recess is necessary to ensure the contract is awarded and construction begins before the onset of the rainy season, in order to complete the project and meet the final reimbursement deadlines. The resolution will authorize staff to swap funding between the state grant and the Joint Power Finance Authority (JPFA) Capital Project funds.

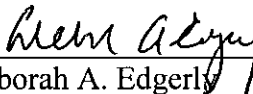
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Staff reports and resolutions for the above projects will be prepared during the recess and appear on the Mayor's Summer Recess Agendas.

In accordance with the Council's Rules of Procedures, Rule 21, the City Administrator will make a full and complete report to the Agency / City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the Agency / City Council may make such findings and confirm the actions taken during the Annual 2008 Recess.

It is recommended that the City Council authorize the City Administrator to approve the items listed in this report which exceed the Administrator's Annual Recess authority.

Respectfully submitted,

  
Deborah A. Edgerly  
City Administrator

Prepared by: Bill Uber  
Assistant to the City Administrator

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**DRAFT**

Approved as to Form and Legality

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

\_\_\_\_\_  
City Attorney

**RESOLUTION No. \_\_\_\_\_ 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, 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 AND TWO-YEAR TOTAL TO BE DETERMINED,**
  
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 FOR PROGRAM YEAR 2008-2009, AND AUTHORIZING A GRANT AGREEMENT WITH THE UNITY COUNCIL FOR AN AMOUNT TO BE DETERMINED 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 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 AWARDED 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; AND
  
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 AWARDED 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, 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 And Two-Year Total To Be Determined.

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 For Program Year 2008-2009, And Authorizing A Grant Agreement With The Unity Council For An Amount To Be Determined 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 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, \_\_\_\_\_, 20\_\_\_\_\_;

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California