


Celso Ortiz (Oct 27, 2020 16:59 PDT)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88401 C.M.S.

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED TWO MILLION ONE HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,156,650.00) IN THE OPEN MARKET FOR REHABILITATION OF PARKRIDGE DR, SKYLINE BLVD, AND DENTON CT SANITARY SEWER PUMP STATION (PROJECT NO. 1001433) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS.

WHEREAS, on August 9, 2018, the Rehabilitation of Parkridge Dr, Skyline Blvd, and Denton Ct Sanitary Sewer Pump Station was bid first and received four bids all exceeding City's adopted budget; and

WHEREAS, On July 9, 2020, the project was out for rebid with additional funding appropriated and scope adjustments; and

WHEREAS, on July 30, 2020 four bids were received by the office of City Clerk of the City of Oakland for the Rehabilitation of Parkridge Dr, Skyline Blvd, and Denton Ct Sanitary Sewer Pump Station (Project No. 1001433); and

WHEREAS, All bids were deemed the non-responsive because all firms failed to meet the minimum 50% LBE/SLBE participation requirement; and

WHEREAS, OMC section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and OMC section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, advertising and competitive re-bidding will incur additional time and cost that will delay the construction project and possibility affect meeting the 2014 Sewer Consent Decree deadlines; and

WHEREAS, Failure to rehabilitate all seven (7) pump stations by October 15, 2022 will result in stipulated penalties by the EPA between \$500 and \$1,500 a day; and

WHEREAS, there is sufficient funding for this project and is available in the Sewer Service Fund (3100), Sanitary Sewer Design Organization (92244), and Parkridge Skyline Denton Sanitary Sewer Project (1001433); and

WHEREAS, the improvement to the sanitary sewer pump stations will help reduce the amount of sanitary sewer maintenance and possibility of overflows; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; 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 service; now, therefore, be it

RESOLVED, That all bids are hereby rejected; and be it

FURTHER RESOLVED, That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.1.5 and per OMC section 2.04.050.J the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market since no valid bids were received after advertising as required; and be it

FURTHER RESOLVED: That the City Administrator is authorized 1) to negotiate, award and execute a construction contract without return to Council for the Rehabilitation of Parkridge Dr, Skyline Blvd, and Denton Ct Sanitary Sewer Pump Station (Project No. 1001433) for an amount not to exceed of Two Million One Hundred Fifty-Six Thousand Six Hundred Fifty Dollars (\$2,156,650.00) in accordance with project plans and specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

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

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 0 1 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

Acting City Clerk and Clerk of the Council
of the City of Oakland, California

Signature: *BHines*

Email: BHines@oaklandca.gov