

OAKLAND CITY COUNCIL

RESOLUTION No. 76185 C.M.S.

2/3 000

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

**RESOLUTION REJECTING ALL BIDS FOR THE FOX OAKLAND THEATER MARQUEE RENOVATION (PROJECT NO. C137420) AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT WITH THE ONLY QUALIFIED BIDDER, WAGNER SIGN COMPANY (ELYRIA, OHIO), WITHIN BUDGET FOR AN AMOUNT NOT TO EXCEED \$635,000**

**WHEREAS**, on September 12, 2000, five bids were received by the City Clerk for the Fox Oakland Theater Marquee Renovation project; and

**WHEREAS**, these bids should be rejected because they fail to meet bid requirements, meet bidders qualifications and technical ability requirements, achieve the LBE/SLBE goals, and/or exceeded the project budget; and

**WHEREAS**, in general, the proposed work consists of the historic restoration of two existing marquees; repair of the historic plaster ceiling at the underside of the horizontal marquees; installation of new circuit breaker(s), electrical panels, conduit runs and fixtures; and protection and/or replacement of structural steel associated with the support of the marquees. The work also includes removal, abatement and/or encapsulation of hazardous materials; and

**WHEREAS**, Fox Oakland Theater is an Oakland landmark and is listed on the National Register of Historic Places. The marquees and signage are significant and prominent elements of the historic building façade. It is essential that the renovation of the marquee be performed by a qualified contractor who has experience and expertise with historic building signage; and

**WHEREAS**, historic sign work is highly specialized - some elements critical to the historic nature of the marquees are not common in modern signage. The contractor must be knowledgeable of, and sensitive to, historic restoration techniques so that the historic fabric of the building and marquees is maintained; and

**WHEREAS**, the Statement of Bidders Qualification and Technical Ability submitted by Bay Construction Company, Arrow Sign Company, and Wagner Sign Company were reviewed by the consultant, John Sergio Fisher & Associates Inc. It was determined that Wagner Sign Company was the only bidder to submit acceptable qualifications as specified in the bid documents; and

**WHEREAS**, the City's Municipal Code, Title 2, Section 2.04.050.1 (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work and

**WHEREAS**, therefore, staff recommends negotiating and awarding a contract to Wagner Sign Co. for the project because:

1. The formal process takes three to **four** months and is impractical in this situation.
2. There are only a few contractors in the country qualified to meet the special technical requirements and qualifications to do this highly specialized work and it is not likely that rebidding the project would result in bids from other contractors who have equal or better qualifications.
3. Wagner Sign Company is identified as one of the few contractors in the country who have the experience and expertise to perform the restoration of historic marquees and signage. They have submitted the lowest base bid and have demonstrated the qualifications required in the bid documents to perform the work; and

**WHEREAS**, the City lacks the equipment and personnel to perform the necessary upgrade; 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 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 pursuant to O.M.C., Title 2, Section 2.04.050.1 (5), the City Council finds and determines that it is in the best interest of the City to waive formal bid requirements and authorizes the City Manager to reject all bids, and negotiate and award a contract to Wagner Sign Company for an amount not to exceed \$635,000; and be it

**FURTHER RESOLVED:** That the negotiated contract will require the contractor to maximize the City's LBE/SLBE and Local Employment Programs participation for the non-signage related portions of the work ;and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 12 2000, 20\_\_

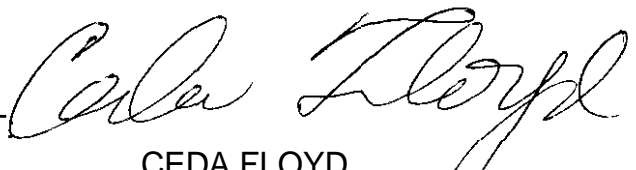
**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, ~~CHANG~~, MILEY, NADEL, REID, ~~WAN~~, SPEES, AND  
PRESIDENT DE LA FUENTE - 6

NOES- None

ABSENT- Chang/WAN - 2

ABSTENTION- None

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