

OFFICE OF THE CITY CLERK

2007 SEP 28 PM 7:11

Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION No. 80980 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION REJECTING ALL BIDS AND AUTHORIZING NEGOTIATION OF A CONTRACT WITH AJW CONSTRUCTION FOR ON-CALL CITYWIDE SIDEWALK REPAIR FY 07-08 CONTRACT B – COUNCIL DISTRICTS 4, 5, 6 AND 7 (PROJECT NO. C269160) FOR A NOT-TO-EXCEED AMOUNT OF EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00)**

**WHEREAS**, on September 24, 2007, one bid was received by the Office of the City Clerk of the City of Oakland for On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6, and 7 (Project No. C269160); and

**WHEREAS**, AJW Construction was the only bidder; and

**WHEREAS**, the Engineer’s Estimate for the work is \$844,800.00; and

**WHEREAS**, AJW Construction’s bid the amount of \$1,074,800.00 exceeds the Engineers Estimate by \$230,000 or 27 percent; and

**WHEREAS**, AJW Construction met the City’s LBE/SLBE and local trucking program requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Project funding is available in the Capital Reserves Fund (5510); Sidewalk Repair Program Organization (92452); Street Construction Account (57411); and the Sidewalk Repairs Project (C269160); and

**WHEREAS**, the funding for this project was budgeted for sidewalk repair and curb ramp installation; 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 safety and 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 all bids for this project are hereby rejected; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to negotiate on behalf of the City of Oakland a contract with AJW Construction for On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6 and 7 for a Not-To-Exceed amount of \$850,000.00; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to execute any modifications to the plans and specifications prepared by the Development Director of the Community and Economic Development Agency during negotiation process; and be it

**FURTHER RESOLVED:** That upon successful negotiation of a contract with AJW Construction for a Not-To-Exceed amount of \$850,000.00, a resolution will be prepared for award of this contract by the City Council; and be it

**FURTHER RESOLVED:** That the negotiated 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; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above rejection of all bids and approval to negotiate a contract on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2007, 2007

**PASSED BY THE FOLLOWING VOTE:**

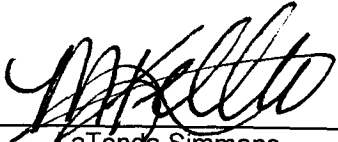
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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